

FACE SHEET
FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

JAN 16 1969

Office of Administrative Procedure

ENDORSED

APPROVED FOR FILING
(GOV. CODE 11380.1)

JAN 16 1969

Office of Administrative Procedure

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

STATE DEPARTMENT OF SOCIAL WELFARE

(Agency)

Dated: January 13, 1969

By: John C. Smith

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

JAN 16 1969

At 1:00 o'clock P.M.

FRANK M. JORDAN, Secretary of State

By John C. Smith
Assistant Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

SECTION 36069 QUALIFICATIONS--ALL PROFESSIONAL STAFF--PUBLIC AND PRIVATE AGENCIES. Staff members shall be qualified for their responsibilities by education, training, experience, personality, and health.

SECTION 36073 - SUPERVISORS

A. Responsibility

The supervisor is responsible to the executive or his delegated assistant for the performance of designated staff.

B. Qualification Requirements

1. Public Agencies

Except as provided in Section 36077, supervisors shall be qualified for their responsibilities by education and experience, the minimum of which shall be either

(a) possession of a master's degree from an accredited graduate school of social work. (Those candidates who completed all academic requirements for the degree except the thesis requirement prior to July 1, 1956, will be considered as possessing the equivalent of a master's degree), and

three years of full-time social work employment; or

(b) one year of experience as a Social Service Practitioner II, or two years of experience as a Social Service Practitioner I, or their equivalent, in a California county welfare department.

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SECTION 36073 - SUPERVISORS (Continued)

2. Private Agencies

Except as provided in Section 36077, supervisors shall be qualified for their responsibilities by education and experience, the minimum of which shall be:

Possession of a master's degree from an accredited graduate school of social work (Those candidates who successfully completed all academic requirements for the master's degree except the thesis requirement prior to July 1, 1956, will be considered as possessing the equivalent of the master's degree), and either

(a) three years of full-time social work employment in the field of family or child welfare; or

(b) two years of full-time social work employment in a licensed adoption agency.

SECTION 36075 - SOCIAL WORKERS - PUBLIC AND PRIVATE AGENCIES

A. Responsibility

Social workers shall provide the services involved in fulfilling the agency's responsibility for providing social services in its adoption program.

B. Qualification Requirements - Public and Private Agencies

Except as provided in Section 36077, the minimum educational requirement for social worker shall be:

Possession of a master's degree from an accredited graduate school of social work (Those candidates who successfully completed all academic requirements for the master's degree except the thesis requirement prior to July 1, 1956, will be considered as possessing the equivalent of a master's degree).

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SECTION 36077 - IMPLEMENTATION OF QUALIFICATION REQUIREMENTS - SUPERVISORS
AND SOCIAL WORKERS - PUBLIC AND PRIVATE AGENCIES

A. Staff Employed after January 1, 1970

Sections 36073 and 36075 shall apply to supervisors and social workers employed after January 1, 1970.

B. Supervisors

Supervisors employed on or after January 1, 1970, must meet the qualification requirements set forth in Section 36073. Supervision of social workers may be provided by a first-level supervisor, or higher, including the agency executive. In any event, the designated supervisor must meet the requirements set forth in Section 36073.

C. Baseline Standard for Progressive Implementation of Qualification Requirements for Social Workers

1. Agencies Licensed on and After January 1, 1970

For agencies initially licensed on or after January 1, 1970, the baseline, or minimum staffing requirement, for progressive implementation of qualification requirements set forth in Section 36075 is that there be employed at least one social worker who meets these qualifications. There shall be no waiver of this requirement as a condition for initial issuance of a license. The baseline standard as a condition for renewal of a license shall be the same as that set forth in Paragraph C, 2, below.

2. Agencies Licensed Prior to January 1, 1970

For agencies licensed prior to January 1, 1970, the minimum percentage of social work staff meeting the requirements of Section 36075 shall not be less than 75% of the proportion of fully qualified^{social work} staff to total social work staff on January 1, 1970. Agencies which had no qualified social work staff prior to January 1, 1970, shall have not less than one fully qualified social worker meeting the standard in Section 36075 by January 1, 1970.

The department will consider requests by agencies for additional time within which to meet this minimum standard, and upon approval of the request a reasonable period of time for this purpose will be granted.

Each agency shall establish and keep available the above-mentioned January 1, 1970, baseline.

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SECTION 36077 IMPLEMENTATION OF QUALIFICATION REQUIREMENTS - SUPERVISORS
AND SOCIAL WORKERS - PUBLIC AND PRIVATE AGENCIES (Continued)

D. Recruitment of New Staff by Progressive Implementation

The agency shall make every reasonable effort to increase the percentage of fully qualified social workers above its baseline in the recruitment of new staff.

E. Differential Use of Social Worker Staff

An agency may request SDSW approval of a plan for differential use of social work staff who do not meet the graduate education requirement in Section 36075, or the alternate requirements set forth in paragraph G of this section. If the agency obtains SDSW approval of such plan, both the agency's baseline standard and the progressive implementation requirement, shall be modified as appropriate.

F. Waiver of Qualification and Progressive Implementation Requirements

Agencies may request waivers of the graduate education requirement set forth in Section 36075, and the experience requirement in paragraph G of this section if either of the following circumstances exists:

1. The agency is unable to implement progressively the qualification requirement in Section 36075; or
2. Is unable to maintain its baseline standard; and essential adoption services would otherwise be jeopardized.

Such waiver shall be granted in whole or in part if the agency demonstrates that:

- (a) It has made a substantial and consistent effort to recruit and retain an increasing percentage of social workers qualified in accordance with Section 36075; and
- (b) A selective certification or hiring plan is in effect, whereby social workers possessing the qualifications set forth in Section 36075 shall be employed first.
Those possessing the qualifications set forth in paragraph G of this section may thereafter be otherwise selectively employed.

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SECTION 36077 IMPLEMENTATION OF QUALIFICATION REQUIREMENTS - SUPERVISORS
AND SOCIAL WORKERS - PUBLIC AND PRIVATE AGENCIES (Continued)

G. Alternate Requirements - To be Used if Waiver Granted

Upon approval of waiver, for public or private agencies, and except as provided in this section, the SDSW shall authorize use of one or more of the optional qualification requirements which appear below, in the order given.

Option 1

(a) Public Agencies

Graduation from college, and either

(1) one year of experience as a Social Service Worker II, or its equivalent, in a California county welfare department; or

(2) two years of social work experience in a public welfare agency. (One year of graduate education which was completed as part of the candidacy for a master's degree in social work may be substituted for one year of the required experience).

(b) Private Agencies

Graduation from college, and

two years of social work experience in a social service agency. (One year of graduate education in social work, or completion of an undergraduate major in social welfare may be substituted for one year of the required experience. Completion of an SDSW approved in-service training course, or completion of an undergraduate major in a field closely related to social welfare may be substituted for six months of the required experience. In all cases, however, a minimum of one year of experience shall be required under these substitution patterns).

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**SECTION 36077 IMPLEMENTATION OF QUALIFICATION REQUIREMENTS - SUPERVISORS
 AND SOCIAL WORKERS - PUBLIC AND PRIVATE AGENCIES (Continued)**

Option 2

(a) Public Agencies

Graduation from college with a major in social welfare; or

graduation from college, with a major other than social welfare, and either

- (1) one year of experience in a public or private agency performing duties comparable to a Social Service Worker I. (One year of graduate study which was completed as part of the candidacy for a master's degree in social work may be substituted for the required experience); or

- (2) one year of experience as a Social Service Worker I, or its equivalent, in a California county welfare department. (Completion of an SDSW approved in-service training course or completion of an undergraduate major in a field closely related to social welfare may be substituted for six months of the required experience).

(b) Private Agencies

Successful completion of one year of graduate education in social work; or

graduation from college, and

one year of experience in the field of family or child welfare

(Completion of an undergraduate major in social welfare may be substituted for the required experience. Completion of an SDSW approved in-service training course, or completion of an undergraduate major in a field closely related to social welfare may be substituted for six months of the required experience).

Option 3

Public and Private Agencies

Graduation from college. This option will only be authorized if the agency has approved in-service training and staff development programs for staff recruited at this level.

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SECTION 38103 QUALIFICATIONS--ALL PROFESSIONAL STAFF - LICENSED CHILD PLACING AGENCIES

Staff members shall be qualified for their responsibilities by education, training, experience, personality, and health.

SECTION 38109 - SUPERVISORS

A. Responsibility

The supervisor is responsible to the executive or his delegated assistant for the performance of designated staff.

B. Qualification Requirements

1. Public Agencies

Except as provided in Section 38112, supervisors shall be qualified for their responsibilities by education and experience, the minimum of which shall be either

- (a) possession of a master's degree from an accredited ^{graduate} school of social work (Those candidates who completed all academic requirements for the degree except the thesis requirement prior to July 1, 1956, will be considered as possessing the equivalent of a master's degree), and
three years of full-time social work employment; or
- (b) one year of experience as a Social Service Practitioner II or two years of experience as a ^{Social Services} Practitioner I, or their equivalent, in a California county welfare department.

2. Private Agencies

Except as provided in Section 38112, supervisors shall be qualified for their responsibilities by education and experience, the minimum of which shall be:

Possession of a master's degree from an accredited graduate school of social work (Those candidates who successfully completed all academic requirements for the master's degree except the thesis requirement prior to July 1, 1956, will be considered as possessing the equivalent of a master's degree), and either

- (a) three years of full-time social work employment in the field of family or child welfare; or
- (b) two years of full-time social work employment in a licensed child placing agency.

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SECTION 38111 - SOCIAL WORKERS - PUBLIC AND PRIVATE AGENCIES

A. Responsibility

Social workers shall provide the services involved in fulfilling the agency's responsibility for providing the social services in its child placing programs.

B. Qualification Requirements - Social Worker

Except as provided in Section 38112, the minimum educational requirement for social worker shall be:

Possession of a master's degree from an accredited graduate school of social work (Those candidates who successfully completed all academic requirements for the master's degree except the thesis requirement prior to July 1, 1956, will be considered as possessing the equivalent of a master's degree).

SECTION 38112 - IMPLEMENTATION OF QUALIFICATION REQUIREMENTS - SUPERVISORS
AND SOCIAL WORKERS - PUBLIC AND PRIVATE AGENCIES

A. Staff Employed after January 1, 1970

Sections 38109 and 38111 shall apply to supervisors and social workers employed after January 1, 1970.

B. Supervisors

Supervisors employed on or after January 1, 1970, must meet the qualification requirements set forth in Section 38109. Supervision of social workers may be provided by a first-level supervisor, or higher, including the agency executive. In any event, the designated supervisor must meet the requirements set forth in Section 38109.

C. Baseline Standard for Progressive Implementation of Qualification Requirements for Social Workers

1. Agencies Licensed On and After January 1, 1970

For agencies initially licensed on or after January 1, 1970, the baseline, or minimum staffing requirement for progressive implementation of qualification requirements set forth in Section 38111 is that there be employed at least one social worker who meets these qualifications.

There shall be no waiver of this requirement as a condition for initial issuance of a license. The baseline standard as a condition for renewal of a license shall be the same as that set forth in paragraph C, 2, below.

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SECTION 38112 - IMPLEMENTATION OF QUALIFICATION REQUIREMENTS - SUPERVISORS
AND SOCIAL WORKERS - PUBLIC AND PRIVATE AGENCIES (Continued)

2. Agencies Licensed Prior to January 1, 1970

For agencies licensed prior to January 1, 1970, the minimum percentage of social work staff meeting the requirements of Section 38111 shall not be less than 75% of the proportion of fully qualified social work staff to total social work staff on January 1, 1970. Agencies which had no qualified social work staff prior to January 1, 1970, shall have not less than one fully qualified social worker meeting the standard in Section 38111 by January 1, 1970.

The department will consider requests by agencies for additional time within which to meet this minimum standard, and upon approval of the request a reasonable period of time for this purpose will be granted.

Each agency shall establish and keep available the abovermentioned January 1, 1970, baseline.

D. Recruitment of New Staff by Progressive Implementation

The agency shall make every reasonable effort to increase the percentage of fully qualified social workers above its baseline in the recruitment of new staff.

E. Differential Use of Social Workers

An agency may request SDSW approval of a plan for differential use of social work staff who do not meet the graduate education requirement in Section 38111 or the alternate requirements set forth in paragraph G of this section. If the agency obtains SDSW approval of such a plan, both the agency's baseline standard and the progressive implementation requirement shall be modified as appropriate.

F. Waiver of Qualifications and Progressive Implementation Requirements

Agencies may request waivers of the graduate education requirement set forth in Section 38111, and the experience requirement in paragraph F of this section if either of the following circumstances exists:

1. The agency is unable to implement progressively the qualification requirement in Section 38111; or

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**SECTION 38112 - IMPLEMENTATION OF QUALIFICATION REQUIREMENTS - SUPERVISORS
AND SOCIAL WORKERS - PUBLIC AND PRIVATE AGENCIES (Continued)**

2. Is unable to maintain its baseline standard; and essential child
placing services would otherwise be jeopardized.

Such waiver shall be granted in whole or in part if the agency
demonstrates that:

- (a) It has made a substantial and consistent effort to recruit and retain
an increasing percentage of social workers qualified in accordance
with Section 38111; and
- (b) A selective certification or hiring plan is in effect, whereby social
workers possessing the qualifications set forth in Section 38111 shall
be employed first.

Those possessing the qualifications set forth in paragraph G of this
section may thereafter be otherwise selectively employed.

G. Alternate Requirements - To be Used if Waiver Granted

Upon approval of waiver, for public or private agencies, and except as pro-
vided in this section, the State Department of Social Welfare shall authorize
use of one or more of the optional qualification requirements which appear
below, in the order given:

Option 1

(a) Public Agencies

Graduation from college, and either

- (1) one year of experience as a Social Service Worker II, or its equivalent,
in a California county welfare department; or

- (2) two years of social work experience in a public welfare agency (One
year of graduate education which was completed as part of the candidacy
for a master's degree in social work may be substituted for one year
of the required experience).

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SECTION 38112 - IMPLEMENTATION OF QUALIFICATION REQUIREMENTS - SUPERVISORS
AND SOCIAL WORKERS - PUBLIC AND PRIVATE AGENCIES (Continued)

(b) Private Agencies

Graduation from college, and

two years of social work experience in a social service agency

(One year of graduate education in social work, or completion of an

undergraduate major in social welfare may be substituted for one

year of the required experience. Completion of an SDSW

approved in-service training course, or

completion of an undergraduate major in a field closely related to

social welfare may be substituted for six months of the required

experience. In all cases, however, a minimum of one year of experience

shall be required under these substitution patterns).

Option 2

(a) Public Agencies

Graduation from college with a major in social welfare; or

graduation from college with a major other than social welfare, and
either

(1) one year of experience in a public or private agency performing duties

comparable to a Social Service Worker I (One year of graduate study

which was completed as part of the candidacy for a master's degree in

social work may be substituted for the required experience); or

(2) one year of experience as a Social Service Worker I, or its equivalent,

in a California county welfare department (Completion of an SDSW

approved in-service training course or completion of an undergraduate

major in a field closely related to social welfare may be substituted

for six months of the required experience).

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SECTION 38112 - IMPLEMENTATION OF QUALIFICATION REQUIREMENTS - SUPERVISORS
AND SOCIAL WORKERS - PUBLIC AND PRIVATE AGENCIES (Continued)

(b) Private Agencies

Successful completion of one year of graduate education in social work; or

graduation from college, and

one year of experience in the field of family or child welfare

(Completion of an undergraduate major in social welfare may be substituted for the required experience. Completion of an SDSW approved in-service training course, or completion of an undergraduate major in a field closely related to social welfare may be substituted for six months of the required experience).

Option 3

Public and Private

Graduation from college. This option will only be authorized if the agency has approved in-service training and staff development programs for staff recruited at this level.

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Office of Administrative Procedure

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APPROVED FOR FILING
(Gov. Code 11380.2)

JAN 28 1969

Office of Administrative Procedure

Copy below is hereby certified to be a true
and correct copy of regulations adopted, or
amended, or an order of repeal by:

STATE DEPARTMENT OF SOCIAL WELFARE

(Agency)

Dated: January 27, 1969

By: John C. M. L.

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

JAN 29 1969

At 10:00

A.M. 4/

FRANK M. JORDAN, Secy. of State

By: W. P. Sullivan
Assistant Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

23-401 REQUIRED FORMS - NO SUBSTITUTES PERMITTED

23-401

AB
ATD
OAS
AFDC

A required form is a state form not subject to change except by SDSW. Forms may be purchased directly from SDSW or may be reproduced by the county without change at its own expense.

.1 Standardization of Forms

Reasons for requiring a standardized form, with no variation, include:

- .11 The law requires a standardized form.
- .12 More than one county or agency is involved.
- .13 There has been serious legislative concern about the form.
- .14 Uniformity is necessary in gathering and reporting statistical data.
- .15 The Federal Government requires a standard form.

.2 The following forms, completed in accord with instructions for their use are required and no substitutions are permitted except as provided in 23-401.3 (see Appendix 2, PSS Manual).

ABCDM 200	Application for Public Social Service
ABCD 215	Notification of Transfer
SSA 1610	Request for Information by State Public Agency
DPA 6	State Department of Social Welfare Appeal as to Responsibility for Support
10-611	Application for Search of Federal Census Records
ABD 235	Certification from State Department of Mental Hygiene of Applicant's Release from State Hospital
BL 201	Applicant's Affirmation of Eligibility for Aid to the Blind
BL 227	Physician's Report of Eye Examination
BL 227A	Optometrist's Report of Eye Examination

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AB
ATD

AB

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23-401 REQUIRED FORMS - NO SUBSTITUTES PERMITTED (Continued)

23-401

<u>ATD</u>	DA 201	Applicant's Affirmation of Eligibility for ATD
	DA 1	Medical Report
	DA 1A	Psychiatric Report
	DA 1B	Determination of Onset of Disability - Medical Report
	DA 2	Social Information Report
	DA 2B	Determination of Onset of Disability Report
	DA 3	Certificate of Disability
<u>OAS</u>	AG 201	Declaration of Eligibility for OAS
	AG 201A	Instruction Sheet for OAS Applicants
	AG 201B	Instruction Sheet for OAS Recipients
	AG 224	Preliminary Statement of Responsible Relative Under OAS Law
	AG 225	Statement of Responsible Relative Under Old Age Security Law
<u>AFDC</u>	CA 200(BHI)*	Application for AFDC - Boarding Homes or Institution
	CA 201	Affirmation of Eligibility for AFDC
	CA 256 (SSA 1472)	Request from Public Assistance Agency
	CA 330	Referral to Department of Employment
	CA 331	Notice of County Welfare Actions
	CA 333	Report to County Welfare Department
	CA 341	Medical Report and Work Capacities Evaluation

In addition to the above required forms relating primarily to social services operations, there are required forms contained in other SDSW manuals and regulations.

**Interpretation - Form CA 200 (BHI) provides space for listing the names of children in foster care and may be used in lieu of ABCDM 200.*

.3 Use of Experimental Required Forms

When the department determines that a substantive change in a required form is needed, it may prescribe use by one or more selected counties of an experimental form in lieu of the required state form.

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23-403 REQUIRED FORMS FOR WHICH SUBSTITUTE MAY BE USED

23-403

AB
ATD
OAS
AFDC

The following forms are required to be completed for the purposes indicated in the instructions for their use except that the county may use a substitute form which provides substantially the same information. State approval of substitute forms is necessary only when designated by asterisk (see Appendix, PSS Manual).

ABCDM 228	Applicant's Authorization for Release of Information
ABCDM 272	Referral to District Attorney for Action on Suspected Fraud
ABCDM 273	Veterans Administration Request for Information
ABCD 239	Notice of Action
ABCD 278L*	List of Authorizations to Start, Change, Stop, or Deny Aid Payments
ABCD 278M*	Authorization to Start, Change or Stop Aid Payments
DPA 5	Summary of Letters of Guardianship or Conservatorship
DPA 8	Notice to Applicant Who Withdraws Application
<u>AB</u> <u>ATD</u> <u>OAS</u> ABD 231	Certificate of Delivery of Payment of Aid
ABD 236	Certification of Patient Status in a Public Medical Institution
<u>AB</u> BL 158	Budget Work Sheet - Aid to the Blind
BL 206	Recipient's Reaffirmation of Eligibility for Aid to the Blind
BL 239	Notice of Action - Aid to the Blind Recipient Living in Own Home or Board and Room Arrangement
BL 239A	Notice of Action - Aid to the Blind - Recipient in Out-of-Home Care Facility
BL 239C	Important Notice to all Recipients of Aid to the Blind
BL 281	Work Capacity and Employment Opportunities
<u>ATD</u> DA 4	Transmittal of ATD Reports
DA 158	Aid to the Needy Disabled - Budget Work Sheet
DA 206	Recipient's Reaffirmation of Eligibility for Aid to the Needy Disabled
DA 239	Notice of Action - Aid to the Needy Disabled
DA 239C	Important Notice to all Recipients of Aid to the Needy Disabled

*Use of substitute requires prior SDSW approval.

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23-403 REQUIRED FORMS FOR WHICH SUBSTITUTE MAY BE USED (Continued)

23-403

OAS

AG 158	Budget Worksheet - OAS
AG 239	Notice of Action - Old Age Security
AG 239A	Notice of Action - Old Age Security
AG 239C	Important Notice to all OAS Recipients
AG 246	Notification of County Finding of Liability of Responsible Relative
AG 261	Service Referral/Completion Report

AFDC

CA 239	Notice of Action - Aid to Families with Dependent Children
CA 239C	Important Notice to all AFDC Recipients
CA 241*	Budget Work Sheet - Aid to Families with Dependent Children
CA 281*	Family Composition Record
CA 282*	Employment Counseling Information
CA 283*	Real Property
CA 284*	Personal Property
<u>CA 290</u>	<u>Statement of Parent Living Apart from Children</u>
<u>CA 290A</u>	<u>Agreement to Contribute by Parent Living Apart from Children</u>
CA 321	Notification of AFDC Assistance, Divorce or Separate Maintenance Action, W&IC 11485
CA 322	Notification of Divorce or Separate Maintenance Action, W&IC 11485
CA 323	Notification of District Attorney on Desertion or Abandonment, W&IC 11476
CA 324	Referral to District Attorney for Action on Desertion or Abandonment, W&IC 11476

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CHAPTER 30-200 SERVICES TO STRENGTHEN INDIVIDUAL AND FAMILY LIFE

30-210 CHILD SUPPORT SERVICES

30-211 OBJECTIVES

- .1 To the maximum extent possible, to secure financial support for children through a child support service which establishes the paternity of a child born out of wedlock, locates absent parent(s), determines an absent parent's ability to support a child, secures agreement from an absent parent to provide support for a child in accordance with the parent's ability, and secures compliance with support agreements and court orders (See Section 10-051.4).
- .2 To achieve such objectives, it is the purpose of these regulations to assure maximum coordination between the county welfare department and the district attorney in child support matters. It is recognized that the district attorney is primarily responsible under law for enforcing by civil and/or criminal means the obligation of parents to support their children.

30-212 SCOPE OF RESPONSIBILITY

- .1 Child Support Services shall be offered and provided as a service to AFDC applicant and AFDC recipient children including unborn children, and children in AFDC Medically Needy Families (upon request; See Sec. 10-072.21). The county welfare director may offer and provide services in addition to former and potential AFDC recipient children, and to other children regardless of need, as provided by Sections 10-072 and 10-073 respectively.
- .2 The county welfare director's responsibility for achieving the objectives of child support services is to assure that actions are taken appropriate to the function of the welfare department and in accordance with the plan of cooperation with the district attorney (See Section 30-214.3) which will result in establishing paternity, determining ability to support, securing agreements to provide support, and securing compliance with support agreements and court orders.

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30-212 SCOPE OF RESPONSIBILITY (Continued)

- .3 The county welfare director must assure that great care is taken by all staff that in discussing with any individual alternatives of action which include possible referral to law enforcement officers that (1) such possibilities are presented in a non-threatening manner and (2) no statements are made regarding the nature of the charges which may be brought against the individual since final responsibility for this rests solely with law enforcement officers.

30-213 COUNTY PLAN REQUIREMENTS

- .1 The county welfare director shall establish Child Support Services which shall meet the requirements of Section 30-210 et seq and Sections 42-500 et seq with respect to AFDC.
- .2 Child Support Services established in accordance with Section 30-213.1 above shall be fully operative by not later than the quarter beginning July 1, 1969.
- .3 A specific plan for the administration of Child Support Services in accordance with requirements of Section 30-214 shall be included in the overall county plan (See Section 10-207).

30-214 REQUIREMENTS FOR CHILD SUPPORT SERVICES

.1 Organization

Overall responsibility for Child Support Services shall be assigned to a specific unit, or the equivalent of a unit if the county's child support services workload does not justify a separate, specialized unit.

.2 Functions

- .21 The functions of the Child Support Unit established in accordance with the preceding section shall be distinguished in the county plan from the functions of the Eligibility and Grant Section, and from the functions of other Social Services Sections.
- .22 Provision shall be made for the control, orderly referral and exchange of cases and case information among the Sections having concurrent responsibilities with respect to the case.

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30-214 REQUIREMENTS FOR CHILD SUPPORT SERVICES (Continued)

- .23 The Child Support Unit, unless precluded by requirements for other services, may be given responsibility to provide the social services needed by the absent parent and the AFDC family, but if social services are provided by another social service section, the county plan must assure that social services and child support services are effectively coordinated.
- .24 Primary responsibility for the following activities, subject to the plan of cooperation with the district attorney^(SEE SECTION 30-2143), shall be assigned to the child support unit. Implementation of these activities shall be in accordance with the plan of cooperation developed by the two departments.
- a. To undertake effort to locate the absent parent.
 - b. To interview the absent parent, or to make arrangements for an interview by an appropriate agency if the absent parent lives outside the county, regarding the absent parent's responsibility and ability to provide financial support. (W&IC 11476)
 - c. To establish whether or not the absent parent is currently contributing in accordance with ability.
 - d. To seek voluntary agreement by the absent parent to provide financial support in accordance with ability.
 - e. To provide services appropriate to the welfare department's function in assisting with child support and paternity determination, as requested by public assistance and law enforcement agencies of other counties and states, with respect to current applicants for and recipients of AFDC in such other counties or states.
 - f. To notify the district attorney immediately whenever aid is granted to a child who is not being supported by a parent, unless it is definitely established that the parent is financially incapable of providing such support. (W&IC 11476). Form CA 323 may be used for the purpose of this notification.

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30-214 REQUIREMENTS FOR CHILD SUPPORT SERVICES (Continued)

- g. To refer the case to the district attorney as provided in Sections 30-215, 30-216 and 30-217.
- h. To determine whether or not there is cooperation with the district attorney by the parent who is living with the child, as required by W&IC 11477. (See Sec. 42-513.25)
- i. To undertake effort appropriate to the welfare department's function which will lead to the legal adjudication of paternity for a child born out-of-wedlock.
- j. To maintain records of activities and information needed to produce reports as required by the State Department of Social Welfare.

.3 Plan of Cooperation with District Attorney

The county welfare director shall establish in writing by not later than May 31, 1969, a plan of cooperation with the district attorney defining the arrangements with courts and law enforcement officials by which the welfare department and such courts and law enforcement officials will coordinate their efforts and exchange of information aimed at achieving optimum results in locating absent and putative fathers, securing child support and establishing paternity of children born out-of-wedlock.

- .31 The ^{PLAN OF COOPERATION} must stipulate that information provided to courts and law enforcement agencies by the county welfare department will be used only for the achievement of the purposes described in this chapter.

- .32 The ^{PLAN OF COOPERATION} must stipulate that the district attorney will report to the county welfare ^{DEPARTMENT} on a timely basis information which is essential to the determination and re-determination of eligibility and to the continuing administration of the aid payment.

- .33 A copy of the ^{PLAN OF COOPERATION} shall be submitted as an appendix to the county plan for Child Support Services but shall not be subject to specific approval by the department.

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30-214 REQUIREMENTS FOR CHILD SUPPORT SERVICES (Continued)

- .34 Federal financial participation is available in the costs of reimbursing courts and law enforcement officials for their increased effort or additional staff time to assist the county welfare department to achieve the purposes of Child Support Services.

For purposes of this section:

- .341 Activities required by the Uniform Reciprocal Enforcement of Support Act (URES, CCP 1650 et seq) which are undertaken with respect to AFDC applicant and recipient children are considered to be prerequisite activities and will not be subject to financial participation.
- .342 New or intensified activity undertaken after June 30, 1968, for the purpose of assisting the county welfare department to more fully meet the objectives of Child Support Services, shall qualify for financial participation beginning January 1, 1969.
- .343 The claim for reimbursement of such costs shall be presented to the county welfare department and shall be supported by records which shall substantiate that the costs for which reimbursement is claimed are within the provisions of these sections.
- .344 The county welfare director in cooperation with the district attorney shall prepare a written record of the performance of the court or law enforcement officials, reimbursed under the provisions of this section at such times (but not less often than once each year) and in such manner as the Director, State Department of Social Welfare, may prescribe.

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30-214 REQUIREMENTS FOR CHILD SUPPORT SERVICES (Continued)

.4 Staffing

The county welfare director shall provide for the appropriate staffing of the Child Support Unit.

.5 Staff Training

The county welfare director shall provide for the orientation, induction and ongoing training of personnel assigned to the Child Support Unit so as to assure the proper and effective performance of such personnel consistent with the functions and purposes of the Child Support Services.

.6 Reporting

The county welfare director shall provide the necessary data at such times (but not less than once each calendar quarter) and in such manner as the Director, State Department of Social Welfare, may prescribe (See Section 29-070) in order to gain access to Internal Revenue Service files for the purpose of locating the absent parent of an AFDC child;

.61 against whom an order for the support and maintenance of such child has been issued by the court but who is not making payments in compliance or partial compliance with such order; or

.62 ^{against} whom a petition for such an order has been filed in the court having jurisdiction to receive such petition.

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30-215 LOCATION OF ABSENT PARENT(S)

.1 General

The county welfare director shall assure the prompt follow-up on clues to the whereabouts of absent parent(s) whose children are receiving or applying for AFDC, and the welfare director shall further assure that full use is made of all resources available to assist in the location of such parents.

.2 Exclusion of Adoption Cases (W&IC 111476; W&IC 111479)

If it is determined by and reflected in the records of the county welfare department that the mother is currently and actively considering a plan for the adoption of the child, no attempt shall be made to interview the putative father.

If a relinquishment for adoption has been signed, no attempt shall be made to interview the father unless and until the relinquishment has been terminated.

.3 Use of Special Locator Services

.31 The county welfare director shall assure notice of all absent parent situations to the Central Registry Locator Service (California Department of Justice) by means of the master file card within ten working days following receipt of an AFDC application on behalf of any child (see Section 30-215.5 and 29-300).

.32 A request for information from the Central Registry (CII-60, pink) shall be initiated by the county welfare department or by the district attorney in accordance with the plan of cooperation.

.32 If there is no information in the Central Registry regarding the absent parent, or if use of the information on the record transcripts and summary received from the Central Registry fails to result in location of the absent parent, the county welfare director shall assure that requests for information from federal files are initiated. (See Sec. 29-070)

.4 Referral to District Attorney

Referral of an absent parent situation in which the whereabouts of the absent parent are not known shall be made in accordance with the plan of cooperation with the district attorney.

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30-215 LOCATION OF ABSENT PARENT(S) (Continued)

The referral shall be made to the district attorney no later than forty-five calendar days following the date on which the application for public assistance was signed or information was received that the whereabouts of an AFDC child's parent(s) are unknown, except where the plan of cooperation provides for other prescribed procedure.

.5 The Central Registry Locator Service (see Handbook for instructions, Section 29-300)

- .51 The county welfare department has a joint and continuing responsibility with other agencies to obtain support from the absent parent for any child for whom an application for public assistance has been made. It shall provide the Department of Justice with such information as requested by that department pertaining to the location of absent parents and shall make maximum use of the Central Registry of the Department of Justice for this purpose.
- .52 All information in the Central Registry is confidential and shall be available only to locate absent parents and to enforce liability for the support of children.
- .53 When an application for AFDC based upon the absence of a parent is made, the whereabouts of the absent parent shall be considered to be either known or unknown:
- .531 "Known" means that the county welfare department has verified or has reason to believe that it can verify, where the absent parent is either living or working.

When the whereabouts of the absent parent is known, a yellow Master File Card shall be completed and forwarded to the Central Registry within ten working days following the date of application.

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30-215 LOCATION OF ABSENT PARENT(S) (Continued)

.532 "Unknown" means that the county welfare department has taken appropriate action to locate the absent parent but has been unable to learn where he is either living or working.

An absent parent's whereabouts must be considered unknown when the county welfare department has been unable to verify his employment or residence within forty-five days from the date the application for public assistance was signed.

When the whereabouts of the absent parent is unknown, the Child Support Unit:

- a. Shall complete and forward a yellow master file card to the Central Registry within ten working days, and
- b. Shall initiate a request for information (CII-60, pink) to the Central Registry unless otherwise provided in the plan of cooperation with the district attorney (Section 30-214.3).

30-216 ACTIVITIES WITH RESPECT TO THE ABSENT PARENT - WHEREABOUTS KNOWN

.1 Absent Parent Resides in the County

When the absent parent resides in the county in which the application for aid has been taken or aid has been granted, the Child Support Unit shall undertake the following activities unless the district attorney elects to do so under the provisions of the plan of cooperation between the two departments:

- .11 Interview the absent parent to outline the parent's responsibilities for support. (W&IC 11476)
- .12 Obtain from the absent parent in the state whose absence is the basis for an application or ^{is} the basis for continuing AFDC the statement containing the information (see Section ^{42-513.4}) pertinent to determination of ability to support of the AFDC child.

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30-216 ACTIVITIES WITH RESPECT TO THE ABSENT PARENT - WHEREABOUTS KNOWN(Continued)

- .13 Obtain a new statement when support payments cease or when there is a change in the amount of support being paid, or at any time the ability of an absent parent to contribute to the support of the children is being determined or redetermined. A new statement shall not be requested more often than every six months except when a question as to the adequacy of the payment has arisen.
- .14 Determine the parent's ability to support the child(ren). All income ^{REASONABLE} and expenses of the absent parent shall be considered in determining ability to contribute.
- .141 Where a support order has been entered by a court, this shall be recognized as the absent parent's legal obligation, ^{SINCE SUCH AN ORDER MUST BE COMPLIED WITH UNLESS OR UNTIL THE COURT ITSELF MODIFIES IT.}
- .142 If it appears ^{THE PARENT} he can pay more than the order calls for, the county welfare department shall, unless the plan of cooperation provides otherwise, attempt to obtain a greater contribution. If the absent parent is unwilling to increase the contribution voluntarily and in the absence of civil action instituted by the remaining parent, the county welfare department shall refer the case to the district attorney for possible court review and a redetermination of support.
- .143 If the county welfare department believes that the court order is for more than the absent parent is able to pay, it shall refer the case to the district attorney, giving its reasons in writing why a modification of the order should be sought.
- .15 Make arrangements for the absent parent to meet his or her obligation to support. The amount of the absent parent's liability and the agreement to pay or the reasons for refusal to pay shall be documented or recorded in the case record.
- Form CA 290 and Form CA 290A may be used for these purposes.

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30-216 ACTIVITIES WITH RESPECT TO THE ABSENT PARENT - WHEREABOUTS KNOWN(Continued)

.2 Absent Parent Resides Outside the County

When the absent parent is residing out of the county, the county welfare department may request the other county welfare department to act in its stead.
UNLESS OTHERWISE PROVIDED BY THE PLAN OF COOPERATION,

.3 Referrals to the District Attorney

Referral to the district attorney is the process of sending essential case data to the district attorney with a request for action to secure support or to establish paternity. Form CA-324 may be used for this purpose.

UNLESS OTHERWISE PROVIDED BY THE PLAN OF COOPERATION,
The Child Support Unit shall refer to the district attorney each case in which any of the following situations exist (W&IC 11476):

- .31 The county welfare department is unable to enter into a satisfactory support agreement with the absent parent within 45 days after an application for assistance is signed unless it has been definitely determined that the parent is financially incapable of supporting the child;
- .32 The absent parent refuses to be interviewed, to provide necessary information or to discuss his or her parental responsibilities;
- .33 The absent parent refuses to make contributions in accordance with his or her financial ability;
- .34 There is reason to believe that the parent may flee or hide if contacted by the county department;
- .35 The absent parent's previous history indicates that although capable of a support contribution, efforts by the county department to obtain support would be fruitless;
- .36 Legal action is necessary to establish paternity in the absence of civil proceedings instituted by the mother.
- .37 The absent parent has entered into an agreement with the county department to support the child and without good cause has failed to comply with the agreement for an unreasonable period which in no event shall exceed 60 days.

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30-216 ACTIVITIES WITH RESPECT TO THE ABSENT PARENT - WHEREABOUTS KNOWN (Continued)

.4 Reporting Changes to the District Attorney

The Child Support Unit shall maintain controls and arrangements with respect to absent parent situations referred to the district attorney to assure a prompt and cooperative exchange of information regarding changes in the status of the case which could affect the efforts of each agency (See ^{30-214.3}).

Changes which shall be reported by the Child Support Unit to the district attorney include, but are not limited to:

- .41 The reason for referral no longer applies;
- .42 The absent parent has been located by the county welfare department;
- .43 The absent parent's child is now being considered for adoption;
- .44 The absent parent's child is no longer being considered for adoption;
- .45 The Child Support Unit has received information indicating a change in the absent parent's ability to provide support; and
- .46 The Child Support Unit has received information that the absent parent has moved.

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30-217 ESTABLISHING PATERNITY

.1 Purpose

The purpose of activity undertaken in an effort to establish the paternity of a child who is known or presumed to be born out-of-wedlock is to seek a legal adjudication of paternity of the child, to secure support for the child, and to establish the child's legal right to future possible benefits, such as inheritance, military service allotment, veteran's benefits, and OASDI benefits.

.2 Child Born Out-of-Wedlock

For purposes of this chapter, a child born out-of-wedlock is:

- .21 A child born to a woman who was not married ^{at} the time of conception and whose natural father has not legitimated the child, or
- .22 A child born to a married woman, but the presumption that the child is legitimate has been rebutted by judicial determination, or the presumption appears to be rebuttable.

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30-217 ESTABLISHING PATERNITY (Continued)

.3 Plan for Establishing Paternity

Unless otherwise provided in the plan of cooperation with the district attorney:

- .31 The Child Support Unit shall discuss with the mother, and if possible, the alleged father, the situation of each child referred to it in which the paternity of the child is in question. The purpose of the discussion shall be to establish an agreed upon plan of action which will lead to establishing the paternity of the child through use of appropriate social and legal processes. The county welfare department shall establish its own plan of action if the mother or the alleged father are unwilling to cooperate in the development of a plan.
- .311 The mother shall be informed of the means for establishing paternity through the institution of civil action either by the mother or by the district attorney.
- .312 The mother shall be offered the choice of instituting suit herself or having suit brought by the district attorney.
- .313 If the mother is unwilling to cooperate in developing a plan of action and if the paternity of the child is not established to the satisfaction of the Child Support Unit, the mother shall be informed that the county welfare department will meet the requirement in W&IC 11479 by referring the situation to the district attorney. The mother shall be given the opportunity to withdraw the application or to request discontinuance of aid if she does not wish the situation to be referred to the district attorney.

.4 Referral to District Attorney

Unless previously referred under the plan of cooperation, all cases in which the paternity of the child has not been established to the satisfaction of the Child Support Unit shall be referred to the district attorney. The Unit shall indicate to the district attorney with respect to each such referral:

- .41 Whether or not the mother has chosen to institute civil proceedings, and
- .42 Whether or not the child is being considered for adoption, ^(SEE SECTION 30-215.2) and if adoption is being considered, the Child Support Unit shall subsequently advise the district attorney promptly when adoption of the child ceases to be under consideration. (W&IC 11479)

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42-505 DEFINITIONS

42-505

OAS | .1 Responsible Relative

A responsible relative is one who is legally liable to provide financial support or to contribute to the support of another person because of his relationship through a blood tie or as a result of marriage, or adoption.

A relative who is a recipient of public assistance is not held liable to contribute from his grant of aid to the support of another person or family.

In OAS responsible relatives include only the spouse of the applicant or recipient or the adult children of such applicant or recipient living within this state. Adult children, as used herein, include emancipated minor children, i.e., children for whom the parent has voluntarily relinquished parental control.

(For definitions of responsible relatives in AFDC, see Sections 42-513 and 42-515.)

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42-513 RESPONSIBILITY FOR SUPPORT

AFDC/.1 Parents-General

Parents, including the father not married to the mother, are responsible to the extent of their ability for the support and care of their children, natural or adopted. This responsibility continues even though the parent is not living with his family, the marriage has been legally dissolved, the parents are not married, or there has been a court order removing the children from the parents' custody. However, responsibility for parental support ceases if relinquishment for adoption has been signed, unless and until the relinquishment has been terminated.

.2 Cooperation Requirement - Parent Remaining with Child

.21 When one parent is absent, the parent remaining with the child must cooperate with law enforcement officers by providing reasonable assistance to them

in the enforcement of the obligation of the absent parent to provide support for the absent parent's child(ren).

.211 For purposes of this Section, if one parent has been given legal custody and control of the child such parent shall be considered the "parent remaining with the child" even though not living with the child.

.22 Any one or more of the following acts knowingly taken by the parent remaining with the child shall be deemed to be a refusal to cooperate ^{WITH LAW ENFORCEMENT OFFICERS} (W&IC 11477):

.221 A refusal to be interviewed by the district attorney.

.222 A refusal to sign a complaint against the absent parent.

.223 A request to dismiss the complaint.

.224 The concealment of the identity or whereabouts of the absent parent.

.23 The remaining parent shall be informed of the requirement for notification and referral to the district attorney and the remaining parent's responsibility to cooperate with the district attorney as soon as it is determined that the requirement is applicable.

.231 The remaining parent shall be given the opportunity to withdraw the application if he or she does not wish the notification to be made or the recipient may request discontinuance if he or she does not wish the referral to be made.

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42-513 RESPONSIBILITY FOR SUPPORT (Continued)

42-513

.24 The signing of an application or the granting of aid shall not be construed as failure or refusal of the remaining parent to carry out his or her parental support responsibilities.

.25 The county welfare department shall have the final responsibility for determining whether the remaining parent has given reasonable assistance to law enforcement officers. In making this determination, the following factors shall be considered:

.251 The mental capacity of the remaining parent.

.252 The presence or absence of fear based on threats of physical or economic reprisal by the absent parent.

.3 Cooperation - Guardian or Person Other Than Remaining Parent

A guardian of a child who is not the child's parent, or person other than a guardian or parent who acts on behalf of the child, who has the legal authority to sign a nonsupport complaint against the parent may be asked to do so, but failure or refusal to comply shall not constitute noncooperation and shall not disqualify the child for aid to which the child is otherwise entitled.

.31 The guardian or person other than the remaining parent shall be informed and given the same opportunities provided for the remaining parent in Sections 42-513.23 and 42.513.231 above.

.4 Absent Parent's Responsibility

.41 Whenever aid is applied for or granted on behalf of a child who is not living with both parents, the absent parent is required by W&IC 11353 to complete a statement for purposes of determining ability to support the child. Such statement shall contain the following information:

.411 Current monthly income;

.412 Total income for the last 12 months;

.413 The number of dependents for whom support is being provided;

.414 The amount being contributed regularly for support of all children for whom application for AFDC is made;

.415 Current living expenses;

.416 Other data pertinent to determining ability to support the children.

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42-513 RESPONSIBILITY FOR SUPPORT (Continued)

42-513

.42 Refusal or failure of the absent parent to ^{COMPLETE THIS STATEMENT} requires the county welfare department to refer the case to the district attorney.

(W&IC 11353; W&IC 11476)

Stepfather

A stepfather is responsible for the support of:

- .51 His children from another union living outside the home;
- .52 His children living in the home;
- .53 His wife; and
- .54 His wife's needy children, to the extent of his ability and not to exceed her community property interest in his income, when his wife and her children are living in the home with him. (W&IC 11351)

UNMARRIED FATHER

An unmarried father is responsible for the support of:

- .61 His child (including the unborn child); and
- .62 To the extent of his ability, the support of the mother and her needy children, when the mother and her children are living in the home with him (W&IC 11351).

Man Assuming the Role of Spouse

The man assuming the role of spouse is responsible for the support of:

- .71 His children; and
 - .72 To the extent of his ability, the mother and her needy children.
- (W&IC 11351) (See Section 42-515.4)

Adult Children

Adult children are responsible for the support of their parents to the extent of their ability. However, adult children are not responsible for the support of their brothers and sisters.

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42-515 DEFINITIONS FOR PURPOSES OF SUPPORT RESPONSIBILITY

AFDC/ .1 Parents

The natural parents, married or unmarried, are the parents of the child unless the child has been adopted. The adoptive parents are the parents thereafter.

.2 Stepfather

A stepfather is a man who is married to the mother of a child of whom he is not the natural father.

.3 Unmarried Father

An unmarried father is a man who is not married to the natural mother of one or more of their children even though he may be married to another woman.

.4 Man Assuming the Role of Spouse.41 DEFINITION

A man will be considered to be assuming the role of spouse if it has been found that he is not married to the mother and not the father of any of her children, but that:

.411

He is in or around the home and is maintaining an intimate relationship with the mother; and

.412

Either he has assumed substantial financial responsibility for the ongoing expenses of the AFDC family;

.413 or

He has represented himself to the community in such a way as to appear in the relationship of husband or father, or both.

.42 Criteria

The determination of whether the man has assumed financial obligations or has represented himself as spouselike shall include but shall not be limited to consideration of the following factors.

The existence of a single factor may not be conclusive proof that the criteria are met.

A man may take the children on outings, provide gifts or even discipline them. This fact alone would not be proof of a spouselike relationship.

.421

Man has assumed financial obligations

a.

Man has paid family bills, opened charge accounts jointly or in his name for use of the family, or similarly obtained credit for the benefit of the family.

b.

The man has paid medical or other bills incurred by the family.

c.

Man has claimed mother and children as dependents in filing income tax.

.422

Man represents self as spouselike

1. Representation to others, such as landlords, friends, community, as husband and wife.

2. Use of man's name by children for various purposes, including school records.

3. Man's attendance as parent at children's school function.

4. Man is attentive to children ^(OTHER THAN CASUALLY) and provides recreation, gifts, etc., or admittedly disciplines children.

5. Children refer to man as father.

SUBSTANTIAL

6. Use of man's automobile by AFDC family or registration in man's and mother's names.

7. Use of AFDC family's address by man for mail, employment records, hospitalization, arrests, etc.

8. No demonstrable or confirmable alternative living arrangement other than with the AFDC family.

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42-515 DEFINITIONS FOR PURPOSES OF SUPPORT RESPONSIBILITY (Continued)

42-515

AFDC 43 Substantiation of Relationship

If the man has assumed financial obligations and/or represented himself as spouselike but there is no proof that he has been in a spouselike relationship, the presumption of a spouselike relationship does not exist and the county has the burden of proving that the man has assumed the role of spouse.

.5 Common-Law Marriage

California law, in Civil Code Section 63, recognizes any out-of-state marriage as valid as long as it is valid where contracted or performed. In cases in which there was no formal marriage, it may be that a common-law marriage was established in another state. If the parents state they are married to each other, it is assumed that they are lawfully married unless this is refuted by other evidence.

42-517 RESPONSIBILITIES APPROPRIATE TO THE ELIGIBILITY SECTION
(In relation to Child Support Services)

AFDC

Effective on implementation of Child Support Services as defined in Section 30-210 et seq., responsibilities appropriate to the AFDC eligibility worker are:

- .1 To inform the applicant of requirements regarding the absent parent, child support, and referral to the district attorney.
 - .2 To obtain information regarding the amount of support currently being provided.
 - .3 To refer all absent parent cases to the Child Support Unit.
 - .4 To notify the superior court in accordance with W&IC 11485 that aid has been applied for or granted to a child of parents who are involved in a divorce, the notice to contain any information known by the welfare department concerning financial resources of the parents which might be applied to child support. Form CA 321 may be used for this purpose.
- If the court becomes aware that children may be receiving aid or that an application may be made when a divorce or separate maintenance action has been filed, the court is required by W&IC 11485 to notify both the district attorney and the county welfare department of pending action. Form CA 322 is available for this purpose. In such cases, the county should reply on Form CA 321.
- .5 To take action on applications and the amount of aid, in accordance with information available, including that received from the Child Support Unit.

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42-519 EFFECT OF ABSENT PARENT RESPONSIBILITY ON AID PAYMENTS

42-519

7EDL AND FOR THE CHILD'S PARENT (See Section 44-213.27)

.1 Aid shall be denied or discontinued for a child for so long as the parent who has custody and control of the child, or the parent with whom the child resides knowingly refuses to cooperate with law enforcement officers as described in Section 42-513.2 (W&ICode 11477)

.2 Aid shall not be denied, withheld or discontinued:

.21 Pending determination of the absent parent's ABILITY to contribute;

.22 Pending receipt of the absent parent's contribution;

.23 Because the guardian or person other than the remaining parent refuses to cooperate in the enforcement of child support against the absent parent(s); or

.25 Because Child Support Services are refused, except as described in Section 42-519.1 above.

.3 Only the contributions actually made By THE ABSENT PARENT on behalf of the children shall be considered in determining eligibility or the amount of aid.

Effective 3/1/69

CONTINUATION SHEET
FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

10-201 ORGANIZATION (Continued)

10-201

.3 Unified Services for Families and Children

.31 The single overall organizational unit shall be so structured that:

- a. All parts of the service program, including policy control and program supervision, are under the control of its chief officer; and
- b. The same subunits are responsible for setting county Service policies, to the extent permitted by state regulations, for AFDC Families and other families eligible therefor (Secs. 10-072 and 10-073); and
- c. Child Protective Services are provided by a specialized unit (see Section 30-100); and
- d. Child Support Services are provided by a specialized unit (see Section 30-210).

Effective 3/1/69

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

10-303 VOLUNTARY ACCEPTANCE OF SERVICE

.3 Refusal to accept Service shall not affect payment of financial assistance, except that:

.31 Refusal to cooperate in the WIN program or refusal to accept a bona fide offer of employment shall result in the imposition of the penalty provided in Section 30-163; and

.32 Knowing refusal to cooperate with law enforcement officers in securing child support from an absent parent ^{OR IN ESTABLISHING PATERNITY} shall result in the discontinuance of AFDC in accordance with W&IC 11477 (see Section 42-513.2); and

.33 A determination that a money management problem can be resolved only by an administratively controlled plan shall result in use of a protective or vendor payment in accordance with the provisions of Section 44-307.

.4 The county welfare director is not relieved of his duty to provide protective services or to take appropriate action to establish paternity, by the refusal of such service by any person who needs or who acts in behalf of anyone needing such service.

Effective 3/1/69

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

Chapter 30-250 OUT-OF-HOME SERVICES - ADULTS

30-251 Objectives

For adults who cannot remain in their own homes or other independent setting, to provide placement, care and supervision in a foster family setting, group care, or non-medical or medical facility. (See Sec. 10-051.5)

30-253 Introduction and Purpose

The individual's right to remain in his own home as long as possible and his right to the help he needs to enable his doing so, are recognized and supported by the public social services program. Some individuals have physical, mental, social, or emotional limitations which make it impossible for them to continue functioning independently in the community. When such limitations exist, the individual's rights to make his own decisions, to manage his own affairs and to maintain his independence in selecting and living in out-of-home care shall be protected and supported to the fullest extent consistent with his own capacities, limitations and safety. Careful selection of out-of-home facilities which meet the needs of the individual help to prevent the damaging effects of repeated change. Intensive social work service may be required to help the individual make realistic decisions regarding the nature and degree of care and supervision he needs. Services related to out-of-home care continue after the selection of the appropriate facility to provide help to the individual in moving into the new living arrangement and achieving and maintaining a satisfactory adjustment in out-of-home care.

The purposes of out-of-home services are:

- .1 To provide help with the selection of suitable out-of-home facility.
- .2 To provide assistance as needed with moving into and out of such facilities.
- .3 To provide assistance to the individual in adjusting to the out-of-home facility.
- .4 To provide or arrange for services, as needed, while the individual lives in an out-of-home facility.
- .5 To furnish information on out-of-home care resources to all persons requesting such information.

Effective 3/1/69

CONTINUATION SHEET
OR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11300.1)

30-255 STANDARDS FOR OUT-OF-HOME SERVICE

In developing and administering a program to provide out-of-home services, the county welfare department shall establish administrative standards and policies which assure that:

- .1 Placements are made on the basis of a social evaluation and recommendation which documents the need for placement and the type of care necessary for the individual. Placements made on the basis of medical need shall be supported by medical and social evaluation.
- .2 The individual shall be encouraged to participate in all planning to the maximum extent possible.
- .3 Other persons who have a significant legal relationship or social responsibility for the individual shall be involved in the *planning*.
- .4 Private facilities used by persons 65 years of age and older, in out-of-home placement, must be licensed or certified.
- .5 Adequate arrangements shall be made for protection of the individual's home and possessions, when necessary.
- .6 Arrangements shall be made for a substitute payee, conservator, or guardian, if indicated.
- .7 Help shall be directed to restoration of the individual's independent functioning to the fullest extent possible.
- .8 Continuing efforts shall be made to reestablish and maintain family and community ties and interests.
- .9 Full utilization shall be made of all appropriate resources within the county welfare department and the community to provide services to individuals in out-of-home living *arrangements*.
- .10 Social reevaluations and, when necessary, medical and psychiatric evaluations, to determine the appropriateness of the placement shall be made as often as necessary, but at least annually.
- .11 Consultation and planning shall occur with the appropriate staff of the out-of-care facility in relation to the individual's progress and services needed.
- .12 Suitability of placement, stabilization of placement, the individual's implied or expressed satisfaction with placement, and general assessment of service needs, shall be taken into account prior to terminating active service status.

Effective 3/1/69

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FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

10-051 REQUIRED SERVICE PROGRAMS - ALL COUNTIES (Continued)

10-051

.4 Services to Strengthen Individual and Family Life

- .41 To provide directly or by arrangement appropriate services to families, family members and individuals living alone, to help them when necessary and to the maximum extent possible to achieve improved social functioning and adjustment; maintain and strengthen family life; reunite families in which parents are separated, or where appropriate, to assist such families to maintain or resume relationships between child and separated parent; reduce births out of wedlock; promote adequate child care and development; obtain education to the extent of their desires and abilities; achieve self-care and personal independence; achieve effective management of available financial resources. (See Sections 30-200 through 30-206.)
- .42 To secure financial support for children through a Child Support Service which establishes the paternity of a child born out of wedlock; locates absent parent(s); determines an absent parent's ^{ability} to provide support for a child in accordance with the parent's ability; and secures compliance with support agreements and court orders. (See Section 30-210 et seq.)

Effective 3/1/69

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CONTINUATION SHEET
 IN FILING ADMINISTRATIVE REGULATIONS
 WITH THE SECRETARY OF STATE
 (Pursuant to Government Code Section 11330.1)

CHAPTER 30-200 SERVICES TO STRENGTHEN INDIVIDUAL AND FAMILY LIFE

OAS
 AB
 ATD
 AFDC

30-201 OBJECTIVES

30-201

- To provide directly or by arrangement appropriate services to families, family members and individuals living alone, to help them when necessary and to the maximum extent possible to:
- .1. Achieve improved social functioning and adjustment;
 - .2. Maintain and strengthen family life;
 - .3. Reunite families in which parents are separated, or, where appropriate, to assist such families to maintain or resume relationships between child and separated parent;
 - .4. Reduce births out-of-wedlock.
 - .5. Promote adequate child care and development;
 - .6. Obtain education to the extent of their desires and abilities;
 - .7. Achieve self-care and personal independence;
 - .8. Achieve effective management of available financial resources;
- (See also 30-210 et seq.)

DO NOT WRITE IN THIS SPACE

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 ATD
 AFDC

30-202 PROGRAM DEFINITION

30-202

Services to Strengthen Individual and Family Life include those activities of social work and ancillary staff which are directed toward helping families and individuals in one or more areas of functioning (economic, personal, family, social) through the mobilization of the means - material, social and psychological - by which their problems may be resolved or ameliorated.

Such services may be provided either directly or through effective use of other resources in the agency or through purchase of services elsewhere in the community for serving individuals, families and children. (See Sec. 10-033.)

Effective 3/1/69

CONTINUATION SHEET
 FILING ADMINISTRATIVE REGULATIONS
 WITH THE SECRETARY OF STATE
 (Pursuant to Government Code Section 11380.1)

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 AFDC

30-203 PERSONS ELIGIBLE FOR SERVICES

30-203

Services to strengthen individual and family life shall be made available to persons applying for or currently receiving categorical public assistance including each essential person living in the same home with the AFDC child and relative. (See Chapter 10-070)

- .1 Priority for services to reduce the incidence of births out-of-wedlock shall be given to:
 - .11 Mothers with children born out-of-wedlock within the past two years.
 - .12 Women who are pregnant out-of-wedlock.
 - .13 The fathers of such infants or unborn children.
 - .14 Any other adult or youth whose living conditions are conducive to birth out of wedlock.

30-204 COUNTY WELFARE DEPARTMENT RESPONSIBILITY

30-204

- .1 The county department shall analyze and evaluate the need of the individual for services, his capacity or ability to utilize the services available, and his interest and desire in accepting them.
 - .11 The county department shall respect and protect the right of the individual to accept or refuse such services (See 10-303.)
- .2 The county department shall exercise leadership in the development of community resources on behalf of the persons served by the agency.
- .3 Services provided directly by county department staff shall include:
 - .31 Information and referral. (See Chapter 30-000)
 - .32 Appropriate use of other available resources to strengthen individual and family life, e.g., homemakers, medical care, day care, legal consultation, recreation and financial assistance.
- .4 The county department shall consider requests for service promptly and shall explain the services available in the county welfare departments and other available resources it is prepared to help the family or individual utilize, if needed.
- .5 The county department shall select and provide or utilize the appropriate service or facility to meet the needs of eligible persons and shall assist them in the use of such service or facilities.

Effective 3/1/69

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 WITH THE SECRETARY OF STATE
 (Pursuant to Government Code Section 11300.1)

30-204 COUNTY WELFARE DEPARTMENT RESPONSIBILITY (Continued)

30-204

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 AFDC

.6 All of the following action-oriented services shall be provided to eligible persons where appropriate:

.61 Supportive services to parents to sustain and increase their ability to carry their parental responsibilities in the care, protection, and support of their children.

.62 Supportive services to children to sustain and increase their relation capacities in/ to their appropriate role in total family life to the end that they may have a home life conducive to healthy physical, emotional, and social growth and development.

.63 Help to the adult to enable him to find and use his own personal resources or the resources of the community to meet his needs, to help him maintain his sense of individual dignity and worth, and to help him assume his appropriate role as a participating citizen contributing to community life within his capacity.

.64 Help to children to obtain education in accordance with their desires and abilities, including utilization of preschool services.

.65 Improvement in family and individual living through help in overcoming homemaking and housing problems.

.66 Help in strengthening intact families, reuniting broken families, or in assisting a parent separated from children to maintain or resume a relationship with them where this is appropriate.

.67 Help to families and individuals in money management including consumer education and the provision, where needed, of protective or vendor payments. (See 30-050 and 44-307.)

.68 Help to parents in child rearing and provision of education for family living.

.69 Help to appropriate persons directed toward the reduction of births out of wedlock.

.7 The county department shall make known and offer services to applicants or recipients who may not initiate a request for them but who may, through skillful social casework procedures, be helped to achieve improved social and community adjustment, e.g., the delinquent adolescent, the apathetic aged person, the socially disorganized family. (See 30-204.11.)

.8 The plan of Services to Strengthen Individual and Family Life shall be included as part of the county department's over-all service plan.

(See Section 10-207)

Effective 3/1/69

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FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11360.1)

30-205 COUNTY WELFARE DEPARTMENT
/ FUNCTIONAL ASSIGNMENTS

30-205

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- .1 The county department shall (unless otherwise designated, Section 30-210) assure that the case management of services provided in this chapter is under the general direction of a social worker.
- .2 The county department shall, when feasible, classify cases needing service by degree of difficulty of the problem presented.
- .3 The county department shall, when feasible, assign social work staff appropriate to the degree of difficulty of the problem (See Chapter 12-800) using differential caseloads to the extent necessary.
- .4 The county department shall, when appropriate and feasible, provide for the use of ancillary staff in meeting the service needs identified in 30-204.5. Ancillary staff includes but is not limited to homemakers, case aides, and volunteers.
- .5 The county department shall, to the extent feasible, assign cases in a manner which will promote a continuity of relationship between the individual or family and caseworker.

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Effective 3/1/69

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

30-206 INDIVIDUAL PLAN

30-206

OAS
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- .1 The county department in cooperation with the individual or family, shall develop and maintain on a continuous basis a plan of service for each eligible adult, family or child who requires any of the services identified in 30-201. (See also 30-153)
- .2 The individual plan shall be based on a formal evaluation made as promptly as possible after the need for service comes to the attention of the county welfare department.
- .3 The individual plan shall include, for each individual and each appropriate family member, a specific action-oriented series of activities and services designed to maintain and strengthen individual or family life. (See 10-304)
- .4 The individual plan shall be recorded, and shall include at least annually, a summary statement of the problems requiring services, the diagnosis of them and expectations in relation to accomplishments. (See 10-305.)
- .5 Provision shall be made for county welfare department review of the individual plan as often as necessary, but at least annually, to assess progress, or lack of it, in reaching service objectives.
 - .51 The case record shall provide the conclusions reached as a result of the county welfare department review.
- .6 The services identified in the plan shall be terminated when:
 - .61 The plan has been accomplished;
 - .62 The plan has been reviewed and the particular service is no longer needed or is being provided elsewhere;
 - .63 The individual or family is not following the plan or withdraws from it.

Effective 3/1/69

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

The following regulations are repealed effective 3/1/69:

- 42-521 County Responsibility for Locating Absent Parent
- 42-522 Absent Parent Classifications
- 42-523 Whereabouts of Absent Parent Known
- 42-524 Whereabouts of Absent Parent Unknown
- 42-527 Referral and Notification to District Attorney
- 42-529 Notification To and From The Court - (Form CA 321)
- 42-531 The Stepfather
- 42-533 The Unmarried Father
- 42-535 Responsibility of Man Assuming the Role of Spouse

DO NOT WRITE IN THIS SPACE

CERTIFICATION

I hereby adopt the following regulations to become effective
March 1, 1969:

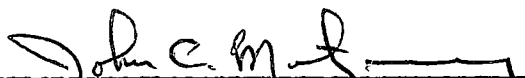
10-051.4	Chapter 30-200	42-505.1	23-401
10-201.31	Chapter 30-250	42-513	23-403
10-303.3		42-515	
10-303.4		42-517	
		42-519	

The following regulations are to become repealed effective
March 1, 1969:

42-521	42-524	42-531
42-522	42-527	42-533
42-523	42-529	42-535

Attached is a Certificate of Compliance pursuant to Section 11422.1
of the Government Code with respect to certain regulations which were
adopted by the Director of the State Department of Social Welfare as
emergency measures as follows:

36017, 36025, 36167, 36171, 36285, 36286, 36287, 36288, adopted
12/26/68
45-121, 45-123, 45-125, 45-127, and 45-129, adopted 12/30/68


JOHN C. MONTGOMERY, DIRECTOR
STATE DEPARTMENT OF SOCIAL WELFARE

Date January 27, 1969

FACE SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

JAN 23 1969

Office of Administrative Procedure

ENDORSED

APPROVED FOR FILING
(GOV. CODE 11380.1)

JAN 28 1969

Office of Administrative Procedure

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Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

STATE DEPARTMENT OF SOCIAL WELFARE

(Agency)

Dated: January 27, 1969

By:

John C. McIntosh

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

JAN 29 1969

FRANK

By

John H. Hill
Assistant Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

30010. EMERGENCY CONDITIONS - CONTINUATION OF LICENSE. The department shall consent to a change of location and continuation of the existing license of any maternity home for a reasonable period of time when the change is required because of the destruction of the premises or similar emergency conditions, so long as the new location or place of performance substantially conforms to standards of fire safety, sanitation, health, hygiene, and other conditions.

32010. EMERGENCY CONDITIONS - CONTINUATION OF LICENSE. The department shall consent to a change of location and continuation of the existing license of any children's institution for a reasonable period of time when the change is required because of the destruction of the premises or similar emergency conditions, so long as the new location or place of performance substantially conforms to standards of fire safety, sanitation, health, hygiene and other conditions.

34003. EMERGENCY CONDITIONS - CONTINUATION OF LICENSE. The department shall consent to a change of location and continuation of the existing license of any day nursery for a reasonable period of time when the change is required because of the destruction of the premises or similar emergency conditions, so long as the new location or place of performance substantially conforms to standards of fire safety, sanitation, health, hygiene and other conditions.

Effective 3/1/69

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

38190. EMERGENCY CONDITIONS - CONTINUATION OF LICENSE. The licensed child placing agency shall consent to a change of location and continuation under the existing permit of any approved children's boarding home for a reasonable period of time when the change is required because of the destruction of the premises or similar emergency conditions, so long as the new location or place of performance substantially conforms to standards of fire safety, sanitation, health, hygiene and other conditions.

40286. EMERGENCY CONDITIONS - CONTINUATION OF LICENSE. The accredited agency shall consent to a change of location and continuation of the existing license of any children's home for a reasonable period of time when the change is required because of the destruction of the premises or similar emergency conditions, so long as the new location or place of performance substantially conforms to standards of fire safety, sanitation, health, hygiene and other conditions.

Effective 3/1/69

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11360.1)

40498. SWIMMING POOL SAFETY.^(a) Children shall be protected from hazards of home swimming pools or similar bodies of water by:

1. Appropriate supervision.
2. Instruction in water safety.
3. Installation and maintenance of skid-proof decking.
4. Maintenance of proper sanitation and health standards.
5. If foster children of preschool age are cared for;
installation-maintenance of substantial fencing, in the
immediate pool area to prevent admittance when not in use,
so constructed that it does not obscure the pool from
view, cannot be easily climbed by children, at least
four feet in height with self-locking gate; or appropriate
pool covering.

(b) Excluded from the above requirements in this section are
/ homes licensed exclusively for temporary care of infants and caring
only for children below the age of self-locomotion, such as pre-adoption temporary
homes for small infants.

40499 SAFETY REQUIREMENTS

2. Children shall be protected from home accidents which might result from unguarded stairs, fish ponds, etc.

Effective 3/1/69.

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

40500. DISASTER AND MASS CASUALTY PLAN. All licensed special children's boarding homes shall have a written disaster and mass casualty plan of action, in the event of a disaster occurring in the community, or of state of extreme emergency. The plan shall include:

1. Designation of adult responsibilities and assignments.
2. Plan for evacuation or relocation of children including:
 - a. means of egress
 - b. transportation of children, when necessary
 - c. supervision of children after evacuation or relocation
 - d. means for contacting local service agencies, i.e., fire department, civil defense, and other disaster authorities of local government.
3. Plan for reception of nonresident children dislocated by disaster and emergencies occurring outside the facility.

All members of the household shall be instructed in their duties. Instruction shall include practice sessions at regular intervals. New members of the household shall be informed immediately of their duties, as required in this plan.

The disaster plan shall be conspicuously posted, and kept up to date, and shall be subject to annual review by the appropriate fire safety and civil defense officials.

40503. SLEEPING ACCOMMODATIONS. No foster child shall sleep in a detached building, unfinished attic, basement, stairhall, or room commonly used for other than bedroom purposes, and an own child shall not be displaced and made to occupy such sleeping quarters because of the presence of a foster child.

No child under twelve years of age placed on or after July 1, 1969, shall be permitted to sleep above ground floor level of a family dwelling unless there also sleeps on the same floor an adult who has direct access to the foster child in event of a fire, and unless the fire safety requirements of the State Fire Marshal for egress from this area of the building are met. (See Article 9, Subchapter 1, Title 19, California Administrative Code.)

Effective 3/1/69

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

40505. BEDROOMS. The bedroom of a foster child shall provide privacy; be adequately ventilated, and lighted; be near lavatory, bath, and toilet facilities; and be located within call of an adult.

A bedroom shall be large enough to hold necessary furniture and leave some free floor space.

Necessary furniture shall include a separate bed for each child, a dresser or chest of drawers in which each child shall have a space that is specifically his, and other furniture and equipment appropriate to the child's age.

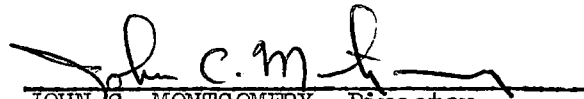
Each room shall have at least one outside window.

Effective 3/1/69

CERTIFICATION

I hereby adopt the following regulations to become effective
March 1, 1969:

30010	40498
32010	40499
34008	40500
38190	40503
40286	40505


JOHN C. MONTGOMERY, Director
State Department of Social Welfare

Date January 27, 1969

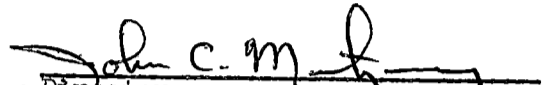
CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

DEPARTMENT OF SOCIAL WELFARE

CERTIFICATE OF COMPLIANCE
Under Sec. 11422.1 Government Code

I hereby certify that prior to the adoption of the emergency regulations set forth below Sections 11423, 11424, and 11425 of the Government Code were complied with:

36017, 36025, 36167, 36171, 36285, 36286, 36287, 36288,
45-121, 45-123, 45-125, 45-127, 45-129 filed with Secretary
of State December 31, 1968.


Director

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JAN 28 1969


Office of Administrative Procedure

January 27, 1969
Date

FILED

In the office of the Secretary of State
of the State of California

JAN 29 1969

At 10:00 A.M.
FRANK M. L. of State
By 
Assistant Secretary of State

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FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

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FEB 7 - 1969

Office of Administrative Procedure

ENDORSED

APPROVED FOR FILING
(GOV. CODE 11380.1)

FEB 7 - 1969

Office of Administrative Procedure

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Copy below is hereby certified to be a true
and correct copy of regulations adopted, or
amended, or an order of repeal by:

STATE DEPARTMENT OF SOCIAL WELFARE

(Agency)

Dated: February 6, 1969

By: John C. M. L.

Director

(Title)

FILED

in the office of the Secretary of State
of the State of California

FEB 7 - 1969

At 3:40 o'clock P. M.

FRANK M. JORDAN, Secretary of State

By: Robert C. L. L.
Assistant Secretary of State
Deputy

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

40503. SLEEPING ACCOMMODATIONS. No foster child shall sleep in a detached building, unfinished attic, basement, stairhall, or room commonly used for other than bedroom purposes, and an own child shall not be displaced and made to occupy such sleeping quarters because of the presence of a foster child.

These regulations are designated to become effective immediately.

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

FINDING OF EMERGENCY

The repealer of the revision to Section 40503, Title 22, California Administrative Code filed with the Secretary of State on February 7, 1969, is an emergency measure necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code.

The following facts constitute the emergency:

1. Having fully complied with the requirements of Sections 11422 through 11425 of the Government Code, the Department of Social Welfare filed with the Secretary of State on January 29, 1969, a series of regulations and revisions to regulations including a revision of Section 40503 of Title 22, California Administrative Code.
2. The revision to said Section 40503 purports to impose fire safety requirements less stringent than those contained in certain statutes and regulations governing fire safety and the duties of the State Fire Marshal.
3. A failure to repeal, with immediate effect, the revision mentioned in the foregoing paragraphs would create a double standard of fire safety in the instances involved and therefore would jeopardize the health and safety of the persons affected.
4. In addition, a conflict between the two sets of regulations and laws would also confuse and hamper the administration and enforcement of fire safety laws and regulations and thus cause an immediate and present threat to the health and safety of the persons affected.

The repealer of the revisions to Section 40503, as described above must therefore be adopted as an emergency measure to be effective immediately upon filing with the Secretary of State.

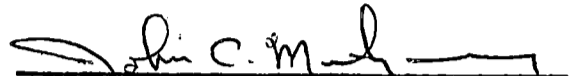
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WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

CERTIFICATE OF COMPLIANCE
Under Sec. 111422.1 Government Code

I hereby certify that prior to the adoption of the emergency regulations set forth below Sections 111423, 111424 and 111425 of the Government Code were complied with:

40503 filed with Secretary of State February 7, 1969


JOHN C. MONTGOMERY, Director
STATE DEPARTMENT OF SOCIAL WELFARE

Date February 7, 1969

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FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

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FEB 21 1969

Office of Administrative Procedure

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APPROVED FOR FILING
(GOV. CODE 11380.1)

FEB 21 1969

Office of Administrative Procedure

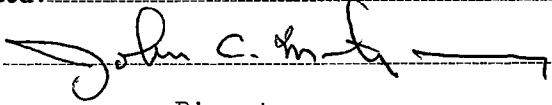
Copy below is hereby certified to be a true
and correct copy of regulations adopted, or
amended, or an order of repeal by:

STATE DEPARTMENT OF SOCIAL WELFARE

(Agency)

Dated: February 18, 1969

By:



Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

FEB 21 1969

At 12:30

P.M.

FRANK M. ...

By:


Deputy Secretary of State

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DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

TITLE 22, Chapter 4, Subchapter 2, Article 7

Amend Section 36287 (a) to add subsection (6)

36287. FINANCIAL ASSISTANCE

(a) Determination of Amount and Period of Assistance

- (6) If the family does not make the required contact two months before the date financial assistance is to be discontinued, the agency shall be responsible for initiating it.

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These regulations are designated to become effective thirty days after filing.

FACE SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

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FEB 25 1969
Office of Administrative Procedure

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Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

STATE DEPARTMENT OF SOCIAL WELFARE
(Agency)
Dated: February 18, 1969
By: John C. M. L.
Director
(Title)

FILED
In the office of the Secretary of State
of the State of California

FEB 25 1969
At 12:10 P.M. 0-9
FRANK J. P. John C. M. L.
Secretary of State
Assistant Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

13-071-06 MERIT SYSTEM SALARY PLAN STANDARDS (Continued)
California County Merit System Salary Plan

13-071-06

EXECUTIVE	SOCIAL SERVICES	SPECIAL SERVICES					SALARY	
		Day Care	Staff Develop.	Financial Adjustment	Community Relations	Misc.	Range	Steps
							42	1812-2208
							41.5	1768-2154
							41	1725-2101
							40.5	1683-2050
							40	1642-2000
							39.5	1603-1951
							39	1564-1903
						Med. Consult.	38.5	1527-1857
							38	1490-1812
							37.5	1454-1768
							37	1419-1725
							36.5	1385-1683
CWD V							36	1351-1642
							35.5	1318-1603
							35	1286-1564
							34.5	1255-1527
							34	1225-1490
							33.5	1196-1454
							33	1166-1419
CWD IV							32.5	1139-1385
							32	1111-1351
							31.5	1084-1318
							31	1058-1286
ACWD	SSS V						30.5	1033-1255
							30	1008-1225
CWD III	DSSD II SSS IV						29.5	983-1196
							29	960-1166
	SSS III						28.5	936-1139
							28	914-1111
	SSS II		SDS		Com. Rel. Coord.	SS Pl Supv	27.5	891-1084
							27	870-1058
							26.5	849-1033
							26	829-1008
	DSSD I	DCG Dir.	SDS I		Ed. Res. Coord.		25.5	810- 983
CWD II	SSP II				Voc. Serv. Coord. III		25	790- 960
							24.5	771- 936
							24	753- 914
	SSS I SSP I						23.5	735- 891
							23	717- 870
		DCG Supv.		Fin. Res. Supv.	Voc. Serv. Coord. II	MC Supv.	22.5	700- 849
				Supv. Invest.			22	683- 829
	SSW III						21.5	666- 810
							21	650- 790
CWD I							20.5	634- 771
		DCG Worker					20	619- 753
	SSW II			Investigator	Supv. Vol. Svcs	MC Asst.	19.5	605- 735
						Elig. Supv.	19	590- 717
	SSW I						18.5	576- 700
							18	562- 683
						Com. Rel. Wkr.	17.5	548- 666
							17	536- 650
							16.5	523- 634
							16	510- 619
				Prop. Invest.		Supp. Pay. Ac.	15.5	498- 605
						Elig. Wkr. II	15	486- 590
							14.5	474- 576
							14	463- 562
							13.5	450- 548
							13	440- 536
						Elig. Wkr. I	12.5	429- 553
		DCG Aide					12	419- 510
							11.5	408- 498
							11	399- 486
							10.5	389- 474
							10	380- 463
							9.5	371- 450
		DCG Hkpr.			Wel. Svc. Aide	Homemaker	9	362- 440
		NDC Parent					8.5	353- 429
							8	345- 419
							7.5	337- 408
							7	329- 399
							6.5	321- 389
							6	313- 380

Effective 4/1/69

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11360.1)

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TABLE I-A

TITLES AND DEFINITIONS FOR SOCIAL SERVICE CLASSES PRIMARILY USED BY WELFARE DEPARTMENTS

WPS	TITLE	WPS	DEFINITION
12-815	Eligibility Worker I	12-815.1	Entering level eligibility worker. Under close supervision, learns to determine initial and continuing eligibility for one or more aids in accordance with established procedures and to refer applicants and recipients who appear to be in need of social services to the appropriate social service staff.
12-816	Eligibility Worker II	12-816.1	Journeyman eligibility worker. Under supervision, determines initial and continuing eligibility for one or more aids in accordance with established procedures and refers applicants and recipients who appear to be in need of social services to the appropriate social service staff.
12-818	Eligibility Supv.	12-818.1	Supervises eligibility workers.
12-820	Social Service Worker I	12-820.1	Entering level public assistance worker. Under close supervision, learns to determine the need of applicants or clients for social services which are specific in nature.
12-830	Social Service Worker II	12-830.1	Journeyman public assistance worker. Under supervision, carries a caseload of moderately difficult cases involving the need of applicants or clients for social services which are specific in nature; performs social studies in identify needs for more intensive case-work services; provides limited casework services of a tangible nature.
12-833	Social Service Worker III	12-833.1	Advanced journeyman public assistance worker. Under general supervision functions as a leadman or in services involving the most difficult technical questions and procedures.
12-836	Social Service Practitioner I	12-836.1	First professional level worker. Under direction deals with a broad spectrum of complex individual and family problems; searches out and assesses personality and character structure underlying individual behavior; identifies clients potentially able to respond to treatment; provides consultation to staff.
12-840	Social Service Practitioner II	12-840.1	Second professional level worker. Functions as an advanced practitioner in improving and restoring individual or family functioning where inter diagnosis and treatment, manipulative skills, insight and professional competence are necessary; provides consultation and leadership to staff; develops research or demonstration projects; functions in the area of community organization.
12-850	Social Service Supervisor I	12-850.1	Supervises Social Service Worker III's and lower classes.
12-853	Social Service Supervisor II	12-853.1	Supervises Social Service Practitioner I and II's and lower classes.
12-855	Social Service Supervisor III	12-855.1	Second level supervisor exercising supervision through Social Service Supervisors I or II's.
12-856	Social Service Supervisor IV	12-856.1	<u>Supervises one or more specialized social service programs in the larger county welfare departments; may function as an assistant to the next higher supervisory or administrative level. Typically supervises through the SSS II level.</u>
12-857	Social Service Supervisor V	12-857.1	Supervises all aspects of programs carried on in a large and complex social service program.

Regulations

WELFARE PERSONNEL STANDARDS
CLASSIFICATION AND SALARY TABLES

TABLE I-A

12-815 - 12-857

CALIFORNIA-SDSW-MANUAL-WPS

Rev. replaces Rev. 95

Effective 4/1/69

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

Regulations

WELFARE PERSONNEL STANDARDS
CLASSIFICATION AND SALARY TABLES

12-815 - 12-820

TABLE 11-A

TABLE II-A

Statewide Minimum Education and Experience Standards for Social Service Classes
Primarily Used by Welfare Departments

<u>WPS</u>	<u>CLASS TITLE</u>	<u>WPS</u>	<u>EDUCATION AND EXPERIENCE</u>
12-815 (Promotional Pattern)	Eligibility Worker I	12-815.31	One year as a Clerk II* in a California County Welfare Department
(Open Pattern)		12-815.32	Equivalent to completion of two years of college. (Clerical experience in a social service agency; or, experience involving responsibility for interviewing and/or decision making at the clerical level or higher in personnel offices or employment, unemployment or disability insurance, workmen's compensation, social security or similar agencies; hospitals, physicians' offices or insurance firms; or in similar types of employment may be substituted for the required two years of college on a year-for-year basis.)
12-816 (Promotional Pattern)	Eligibility Worker II	12-816.31	Six months as an Eligibility Worker I* in a California County Welfare Department.
(Open Pattern)		12-816.32	<u>Education:</u> Equivalent to completion of two years of college; and <u>Experience:</u> 1) Six months of experience in a social service agency performing duties substantially similar to those in the Eligibility Worker I or II class* in that these duties primarily involved interviewing applicants and/or recipients and learning to determine or determining eligibility for one or more aids. (Additional qualifying experience may be substituted for the required two years of college on a year-for-year basis); 2) One year of clerical experience in a social service agency; or experience involving responsibility for interviewing and/or decision making at the clerical level or higher in personnel offices or employment, unemployment or disability insurance, workmen's compensation, social security or similar agencies; hospitals, physicians' offices or insurance firms; or in similar types of employment. (Additional qualifying experience may be substituted for the required two years of college on a year-for-year basis.)
12-818 (Promotional Pattern)	Eligibility Supervisor	12-818.31	One year as an Eligibility Worker II* in a California County Welfare Department.
(Open Pattern)		12-818.32	<u>Education:</u> Equivalent to completion of two years of college (qualifying experience as indicated below may be substituted for the required two years of college on a year for year basis); and <u>Experience:</u> One year of experience in a public or private welfare agency performing duties substantially similar to those in the Eligibility Worker II class.
12-820	Social Service Worker I	12-820.32	Graduation from college.

*Or its equivalent

CALIFORNIA-SDSW-MANUAL-WPS

Rev. replaces Rev. 97

Effective 4/1/69

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
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TABLE II-B

WPS	CLASS TITLE	WPS	EDUCATION AND EXPERIENCE
12-850 (Promotional Pattern)	Social Service Supervisor I	12-850.31	<u>Education:</u> Graduation from college; <u>and</u> <u>Experience:</u> One year as a Social Service Worker III* or two years of experience as a Social Service Worker II* in a California County Welfare Department.
(Open Pattern)		12-850.32	<u>Education:</u> Graduation from college; <u>and</u> <u>Experience:</u> Three years of social casework experience in a public or private agency of which at least one year involved performing duties comparable to a Social Service Worker III. (Graduate education completed as part of the candidacy for a master's degree in social work may be substituted on a year-for-year basis for the required general experience.)
12-853 (Promotional Pattern)	Social Service Supervisor II	12-853.31	One year as a Social Service Practitioner II* or two years as a Social Service Practitioner I* in a California County Welfare Department.
(Open Pattern)		12-853.32	<u>Education:</u> Master's degree from a graduate school of social work. (Those candidates who completed all academic requirements for the degree except the thesis prior to July 1, 1956, will be considered as possessing the equivalent of the master's degree); <u>and</u> <u>Experience:</u> Three years of social casework experience in a public or private agency of which at least one year involved performing duties comparable to a Social Service Practitioner II.
12-855 (Promotional Pattern)	Social Service Supervisor III	12-855.31	One year as a Social Service Supervisor II* or two years as a Social Service Supervisor I* in a California County Welfare Department.
(Open Pattern)		12-855.32	<u>Education:</u> Master's degree from a graduate school of social work. (Those candidates who completed all academic requirements except the thesis prior to July 1, 1956, will be considered as possessing the equivalent of the master's degree); <u>and</u> <u>Experience:</u> Four years of social work experience in a public or private agency of which at least one year involved performing duties comparable to a Social Service Supervisor II.
12-856 (Promotional Pattern)	Social Service Supervisor IV	12-856.31	<u>Education:</u> Master's degree from a graduate school of social work. (Those candidates who completed all academic requirements for the degree except the thesis prior to July 1, 1956, will be considered as possessing the equivalent of the master's degree); <u>and</u> <u>Experience:</u> One year as a Social Service Supervisor III* or two years as a Social Service Supervisor II* in a California County Welfare Department.
(Open Pattern)		12-856.32	<u>Education:</u> Master's degree from a graduate school of social work. (Those candidates who completed all academic requirements for the degree except the thesis prior to July 1, 1956, will be considered as possessing the equivalent of the master's degree); <u>and</u> <u>Experience:</u> Five years of social work experience in a public or private agency of which at least two years involved performing duties comparable to a Social Service Supervisor II.

* Or their equivalent.

Regulations

WELFARE PERSONNEL STANDARDS
CLASSIFICATION AND SALARY TABLES

TABLE II-B

12-850 - 12-856

CALIFORNIA-SDSW-MANUAL-WPS

Rev. replaces Rev. 99

Effective 4/1/69

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

12-857

WELFARE PERSONNEL STANDARDS
CLASSIFICATION AND SALARY TABLES

Regulations

TABLE II-B

TABLE II-B

WPS	CLASS TITLE	WPS	EDUCATION AND EXPERIENCE
12-857 (Promotional Pattern)	Social Service Supervisor V	12-857.31	<p><u>Education:</u> Master's degree from a graduate school of social work. (Those candidates who completed all academic requirements for the degree except the thesis prior to July 1, 1956, will be considered as possessing the equivalent of the master's degree); and</p> <p><u>Experience:</u> One year as a SSS IV or two years as a Social Service Supervisor III* or three years as a Social Service Supervisor II* in a California County Welfare Department.</p>
(Open Pattern)		12-857.32	<p><u>Education:</u> Master's degree from a graduate school of social work. (Those candidates who completed all academic requirements for the degree except the thesis prior to July 1, 1956, will be considered as possessing the equivalent of the master's degree); and</p> <p><u>Experience:</u> Six years of social work experience in a public or private agency of which at least one year involved performing duties comparable to a Social Service Supervisor IV or two years comparable to a Social Service Supervisor III.</p>

*Or their equivalent.

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

12-815.9 - 12-857.9 WELFARE PERSONNEL STANDARDS CLASSIFICATION AND SALARY TABLES Regulations

TABLE III-A

Statewide Salary Standards for Social Service Classes
Primarily Used by County Welfare Departments

WPS	Class Titles	Entrance Salary Standard for 1968-69 Fiscal Year
12-857.9	Social Service Supervisor V	\$1220
12-856.9	Social Service Supervisor IV	\$1010
12-855.9	Social Service Supervisor III	915
12-853.9	Social Service Supervisor II	870
12-840.9	Social Service Pract. II	810
12-836.9	Social Service Pract. I	755
12-850.9	Social Service Supervisor I	740
12-833.9	Social Service Worker III	660
12-830.9	Social Service Worker II	605
12-818.9	Eligibility Supervisor	590
12-820.9	Social Service Worker I	570
12-816.9	Eligibility Worker II	475
12-815.9	Eligibility Worker I	430

CALIFORNIA-SDSW-MANUAL-WPS Rev. replaces Rev. 101 Effective 4/1/69

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FACE SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

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MAR 12 1969

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MAR 12 1969

Office of Administrative Procedure

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Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

STATE DEPARTMENT OF SOCIAL WELFARE

(Agency)

Dated: March 10, 1969

By: J. C. 22

Director

(Title)

FILED

in the office of the Secretary of State
of the State of California

MAR 12 1969

At 4:00 o'clock P.M.

FRANK M. JORDAN, Secretary of State

By: J. P. [Signature]
Assistant Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

- (1) Repeals Chapter 42-550, Suspected Law Violations
(2) Adopts recodified Sections as follows:

DIVISION 20 FRAUD AND SUSPECTED LAW VIOLATIONS
CHAPTER 20-000 RECIPIENT FRAUD

20-001 INTRODUCTION

20-001

AB
APSB
ATD
OAS
AFDC

These regulations are intended and designed to:

- .1 Clarify the meaning of fraud in public assistance and distinguish it from other client behavior which may not conform with the community standards.
- .2 Establish a basis for a sound and uniform relationship with law enforcement officers.
- .3 Establish standards for county welfare department operations and procedures to insure prompt and consistent action to follow through where there are reasonable grounds to suspect fraud.
- .4 Provide a flow of consistent and precise data on the extent of fraud and the status of work relating to its control and handling.

20-003 DEFINITION OF FRAUD FOR PURPOSE OF MANDATORY REFERRAL TO THE
DISTRICT ATTORNEY

20-003

AB
APSB
ATD
OAS
AFDC

Fraud by applicants for or recipients of public assistance exists when the applicant or recipient has:

- .1 Knowingly and with intent to deceive or defraud made a false statement or representation to obtain aid, obtain a continuance or increase of aid, or avoid a reduction of aid.
- .2 Knowingly and with intent to defraud failed to disclose a fact which, if disclosed, could have resulted in denial, reduction or discontinuance of aid.
- .3 Accepted aid knowing he is not entitled thereto, or accepted any amount of aid knowing it is greater than the amount to which he is entitled.
- .4 For the purpose of obtaining, continuing, or avoiding a reduction or denial of aid, made statements which he did not know to be true with reckless disregard of the truth.

Effective 9/1/63
Reissued 3/1/69

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CONTINUATION SHEET
**FOR FILING ADMINISTRATIVE REGULATIONS
 WITH THE SECRETARY OF STATE**
 (Pursuant to Government Code Section 11380.1)

20-005	FRAUD AND SUSPECTED LAW VIOLATIONS RECIPIENT FRAUD	Regulations
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20-005 RESPONSIBILITY OF COUNTY WELFARE DEPARTMENTS AND DISTRICT ATTORNEYS	20-005
--	--------

AB
 APSB
 ATD
 OAS
 AFDC

.1 County Welfare Department - Responsibility

The county welfare department is responsible for making all determinations as to eligibility or ineligibility for assistance and for establishing the amount of overpayment where ineligibility for any aid paid is found. Responsibility also rests here for preventing fraudulent actions by recipients as far as possible and for taking decisive and prompt steps to investigate and establish the facts regarding any situation in which it appears aid may be being received on the basis of incorrect, incomplete or false data. When the county welfare department has reasonable grounds to suspect that an overpayment of assistance was due to fraud, the county welfare department is responsible for referring the case to the district attorney. At the request of the district attorney, the welfare department is responsible for providing copies of written evidence, appearances at the trial and for bringing the case record to the trial.

In carrying out its responsibility for fraud cases, county welfare departments shall:

- .11 Take actions to prevent fraud.
- .12 Identify cases in which there are reasonable grounds to suspect fraud in accordance with criteria established in this chapter.
- .13 Designate a person or position to be responsible for review, final decision and referral of cases in which there are reasonable grounds to suspect recipient fraud to appropriate law enforcement officials and for liaison with such law enforcement officials.
- .14 Maintain adequate controls and submit required reports.
- .15 Complete such arrangements with law enforcement officials as are necessary to secure reports of actions taken with respect to cases referred hereunder.

With respect to .13 above, county welfare directors may retain this responsibility personally, may designate the chief of the special investigation unit, or may designate some other individual or position. With respect to Item .15 above, reports of actions taken by law enforcement officials shall be in sufficient detail to satisfy SDSW reporting requirements.

CONTINUATION SHEET
 FOR FILING ADMINISTRATIVE REGULATIONS
 WITH THE SECRETARY OF STATE
 (Pursuant to Government Code Section 11380.1)

Regulations	FRAUD AND SUSPECTED LAW VIOLATIONS RECIPIENT FRAUD	20-007
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20-005 RESPONSIBILITY OF COUNTY WELFARE DEPARTMENTS AND DISTRICT ATTORNEYS (Continued) 20-005

AB
 APSB
 ATD
 OAS
 AFDC

.2 District Attorney - Responsibility

When the county welfare department refers a case on the basis that reasonable grounds exist to suspect fraud, the district attorney is responsible for accepting or rejecting the referral, for subsequent investigation of accepted referrals, determination as to whether a criminal complaint is to be made, whether a civil action for recovery is to be brought, preparation of the case for trial, notification of the county welfare department of the court's final disposition of the case, and, where applicable, referral to the county counsel.

Nothing in this chapter precludes appropriate law enforcement officials from initiating prosecutions for fraud against welfare applicants or recipients when the necessity for such action comes to their attention from sources other than referral by the county welfare department. The welfare department is to be notified of such actions and of the outcome thereof.

20-007 CRITERIA FOR REFERRAL OF CASES TO THE DISTRICT ATTORNEY 20-007

AB
 APSB
 ATD
 OAS
 AFDC

.1 Referral of Cases

When reasonable grounds exist to suspect that fraud has occurred, the case shall be referred to the district attorney for further action.

- .11 In OAS, APSB and AB, attempts to obtain restitution by request, civil action, or other suitable means shall be used prior to referral, after which the case shall be referred to the district attorney.

Interpretation - In order to secure restitution by civil action, the county counsel, or if there is none, the district attorney, will need to be involved, but this is not a "referral," as the word is generally used in this chapter.

.2 Factors to be Considered Under Reasonable Grounds

In making the decision whether reasonable grounds to suspect fraud exists, such factors as the manner in which the recipient has acted, the reasons he gives for his actions or failure to act, his ability or lack of ability to understand his responsibility and to understand the relevance of the information, must be evaluated.

.21 Cases should be referred unless:

- .211 The recipient made full disclosure of the facts, but the county welfare department due to its own omission, neglect, or error, failed to act on these facts and the recipient was not aware of an overpayment.
- .212 The recipient had no knowledge of the facts and made no knowing misrepresentation.
- .213 The recipient was not informed or was misinformed of the necessity to report the facts.
- .214 The recipient is so mentally deteriorated or retarded that he is not responsible for actions.

CONTINUATION SHEET
**FOR FILING ADMINISTRATIVE REGULATIONS
 WITH THE SECRETARY OF STATE**
 (Pursuant to Government Code Section 11380.1)

20-009

FRAUD AND SUSPECTED LAW VIOLATIONS
 RECIPIENT FRAUD

Regulations

20-009 METHODS OF PREVENTION AND INVESTIGATION

20-009

AB
 APSB
 ATD
 OAS
 AFDC

County welfare departments are responsible for the eligibility and correct amount of aid for all recipients. The great majority of public assistance applicants and recipients will be honest in their dealings with county welfare departments, insofar as they understand their responsibilities and pertinent requirements. However, since applicants and recipients have the same basic human qualities found in the general population, some persons will attempt to secure assistance through fraud. The county welfare department is responsible for (a) prevention of fraud by minimizing opportunity for fraud; (b) prompt investigation of suspected or reported ineligibility or overpayment of aid; and (c) referral to the district attorney of cases in which there are reasonable grounds to suspect fraud.

.1 Prevention of Fraud and Investigation of Suspected Ineligibility

The caseworker must establish the kind of relationship with the applicant or recipient which will enable him to understand and accept the program requirements and participate in establishing eligibility on a proper basis, and in planning and working toward the solution of problems. Mutual respect and trust are essential to this relationship in the casework process. The applicant or recipient must understand his responsibility for promptly reporting facts relating to a correct determination of eligibility and amount of grant and the penalties involved in not reporting or misstating facts. This responsibility should be reviewed with the recipient periodically as a reminder or to clear up any misunderstanding.

The caseworker, in addition to interpreting the recipient's responsibility, is responsible for taking prompt action on information received and for relating information received or observed to possible future changes in eligibility or need which should be followed up. In short, the follow-up of clues to prevent possible fraudulent action by the recipient is a recognized "helping" process for which the worker is responsible.

When it is known that recipients have a problem in reporting changes, more frequent contacts may minimize the problem when there is a reasonable doubt as to the continuing eligibility or correctness of grant. Prompt withholding of aid may be the factor which will obviate a referral for fraud.

The observations of the worker and clues from unrelated conversation may provide clues for discussion of family problems and arrangements which will bring out the facts even though the recipient may not have intended to report them in the beginning. An atmosphere of helpfulness and trust may prevent fraud.

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CONTINUATION SHEET
**FOR FILING ADMINISTRATIVE REGULATIONS
 WITH THE SECRETARY OF STATE**
 (Pursuant to Government Code Section 11380.1)

Regulations	FRAUD AND SUSPECTED LAW VIOLATIONS RECIPIENT FRAUD	20-009
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20-009 METHODS OF PREVENTION AND INVESTIGATION (Continued) 20-009

AB
 APSB
 ATD
 OAS
 AFDC

.2 Special Methods of Investigation

County welfare departments are required to assign staff to investigate promptly cases of suspected ineligibility or overpayments for which case-work methods have not satisfactorily answered the questions, and which require the use of special methods. Such staff may be caseworkers assigned to this phase of work, or may be other persons. Each county shall establish a unit with this personnel or, if it is not practical, shall designate the persons in such fashion that they can carry out the requirements set forth in this chapter for the special investigation unit. Administrative funds may be used for training staff assigned for this purpose on these additional techniques of investigation.

County welfare departments have no police authority. Persons assigned to use special methods of investigation by the welfare department may interview recipients or possible witnesses, either in the office or at home providing this is done without threats, duress, force or false showing of authority or other misrepresentation. (For limitations on statements by welfare department personnel regarding the nature of the charges which may be brought against the individual see Section 30-212.3 (b).) Observation of the premises or property, and observations of the movements of persons are permissible any time of the day or night.

Home visits at any time of the day, announced or unannounced, are proper. However, when made outside of regular office hours or on other than regular working days, they are to be made only during reasonable hours of normal family activity. Mass, indiscriminate or dragnet home visits are not to be used either for the purpose of fraud detection or for the purpose of deterring fraud. They are not to be used as a method of testing the accuracy of eligibility decisions.

Search of the home or property of a recipient by welfare department staff for evidence of fraud is prohibited. Evidence may be observed and noted. It may be removed from the premises only with the owner's permission. Recipients are entitled to due process of law.

At all times it is incumbent upon welfare department staff to conduct themselves with courtesy and with recognition of the rights of all persons involved.

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

20-011	FRAUD AND SUSPECTED LAW VIOLATIONS RECIPIENT FRAUD	Regulations
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20-011 PROCEDURAL REQUIREMENTS, COUNTY WELFARE DEPARTMENTS 20-011

When the worker identifies a case as one involving a possible overpayment, the caseworker's supervisor is to be informed unless the question is resolved at that time and there are no reasonable grounds to suspect fraud. The supervisor shall establish adequate controls to insure that prompt action is taken to resolve the question of overpayment.

At that point at which the caseworker (*Interpretation - As used in this chapter the term "caseworker" includes the actual caseworker and the supervisory levels through which major case decisions are cleared or approved.*) reaches a decision that there are reasonable grounds to suspect that an overpayment of aid was due to fraud, or that special investigative methods are necessary to determine the existence of overpayment or the reason for overpayment, a Form ABCDM 272 (see PSS Manual, Appendix 2, Forms) shall be completed. A county form may be used in place of ABCDM 272, insofar as a rearrangement is necessary for processing in that county, or to incorporate additions which the county welfare department may wish to make. This form shall be completed in a sufficient number of copies to provide one copy for the case record, one copy for a county central fraud referral file, copies necessary for internal use and for use by law enforcement officials as agreed upon. All copies of Form ABCDM 272 shall be signed by the caseworker and referred to the person designated as responsible for final review and decision as to referral of the case. A notation of this action shall be recorded in the case dictation. The person so designated shall review the Form ABCDM 272 and any supporting documents and make one of the three following determinations:

- .1 The facts do not indicate reasonable grounds to suspect fraud and do not warrant further investigation or other action. In that event an explanation of the reason for nonreferral shall be entered on the Form ABCDM 272, one copy filed in the county central fraud referral file, and one copy filed in the case record.
- .2 The evidence submitted indicates that further investigation beyond the scope of casework methods is necessary to determine if there are reasonable grounds to suspect fraud. In that event the case shall be referred to the Special Investigation Unit for appropriate action.
- .3 The information contained on the Form ABCDM 272 and supporting documents, clearly supports the referral to the district attorney in that it establishes the existence of reasonable grounds to suspect fraud. In that event, the Form ABCDM 272 shall be approved and forwarded to the law enforcement officials together with any necessary supporting documents. The caseworker handling the case shall be notified by returning one copy of the Form ABCDM 272 to be placed in the case record.

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

Regulations	FRAUD AND SUSPECTED LAW VIOLATIONS RECIPIENT FRAUD	20-011
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20-011 PROCEDURAL REQUIREMENTS, COUNTY WELFARE DEPARTMENTS (Continued) 20-011

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Upon referral of a case to the Special Investigation Unit, necessary investigation shall be made, a report of the findings prepared, a recommendation as to further action made, and the case returned to the person designated as responsible for final review and decision as to referrals to the district attorney.

Upon return of a case from the Special Investigation Unit, the "designated person" will again review it, including the investigation report, and make a determination as to whether the facts now establish reasonable grounds to suspect fraud. If so, the Form ABCDM 272 and all necessary supporting documents including the investigation report shall be referred to law enforcement officials. A copy of the Form ABCDM 272, bearing appropriate notations, shall be placed in the case record.

Since fraud and ineligibility often turn on the same evidentiary facts, nothing in this chapter prevents the county welfare department and district attorney staff from working jointly in the investigation of any case directly connected with the administration of public assistance either when the case has been referred or upon request of the district attorney.

If the facts do not indicate reasonable grounds to suspect fraud, an explanation of the reason for nonreferral shall be entered on the Form ABCDM 272, one copy filed in the county central fraud referral file, and one copy filed in the case record.

Upon receipt of notice from law enforcement officials of final disposition of a case, appropriate notations will be made on the county central fraud referral file copy and the case record copy of the referral notice, and the case closed as to that particular referral. As an alternative, copies of the notice received may be placed in these files if such copies are available.

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CALIFORNIA-SDSW-MANUAL-0	Issue 159	Effective 9/1/63 Reissued 3/1/69
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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11360.1)

AB
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Regulations 20-015
FRAUD AND SUSPECTED LAW VIOLATIONS
RECIPIENT FRAUD
20-015

PROCEDURAL FLOW
REFERRAL OF SUSPECTED FRAUD
UNDER SECTION 20-011 OF THIS CHAPTER
TO DISTRICT ATTORNEYS

Caseworker	Welfare Director*	Special Investigation Unit	District Attorney
Identifies suspected fraud; prepares Section 1 and 2, Form ABCDM 272; notes case record; refers to Director.	Reviews; determines whether to proceed.		
Notes in case record; files.	a. If not, returns to caseworker. One copy to central fraud referral file. b. If further investigation necessary, refers to Special Investigation Unit.		
Notes in case record.	c. If no further investigation necessary, refers directly to District Attorney. Notifies caseworker; notes in central file.	Completes investigation; makes recommendation; returns to Director with report.	Reviews case: a. Initiates action or, b. Returns case to Welfare Department if insufficient evidence to warrant action. c. Notifies Welfare Department of results of action.
Notes in case record.	Reviews; determines if reasonable grounds exist to refer to District Attorney. If so, refers.		
Notes in case record.	Notifies caseworker. If not, returns to caseworker; notes in central file. Records in central fraud referral file; notifies caseworker of action taken.		
Notes in case record.			

* Or designated representative.

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

Regulations FRAUD AND SUSPECTED LAW VIOLATIONS 20-101 (cont.)
MISUSE OF FUNDS

CHAPTER 20-100 MISUSE OF FUNDS

20-101 SUSPECTED MISUSE OF AFDC FUNDS - MAN ASSUMING THE ROLE OF SPOUSE 20-101

AFDC .1 Reasonable Grounds - Misuse of Funds

There are reasonable grounds to believe that the man assuming the role of spouse is sharing the benefits of the mother and her children's AFDC grant when all of the following conditions are found to exist:

- .11 The man assuming the role of spouse has insufficient income to meet his own needs,
- .12 His own children living with him in the home (if any) are ineligible for AFDC, and
- .13 He continues to live in the home with the mother and her children.

.2 Procedure if Reasonable Grounds Exist

Upon determination by the welfare department that reasonable grounds exist to believe that a part of the AFDC grant is being wilfully and knowingly used for the support of the man assuming the role of spouse rather than for support of the needy children and the caretaker as required by W&IC 11480, the welfare department shall refer the case to the district attorney in accordance with the following procedures:

.21 Notifications Regarding Suspected Law Violation

When the county welfare department obtains information indicating possible misuse of the AFDC grant to meet the man's need, the man and the mother shall both be advised verbally and in writing that continuation of this conduct subjects them to prosecution for violating W&IC 11480. The written notice shall contain a statement that unless the man secures sufficient income to meet at least his own need or leaves the home, the district attorney will have to be informed of the suspected misuse of the grant. (For limitations on interviews and statements by welfare department personnel regarding the nature of the charges which may be brought against the individual see Section 20-009.2.)

.22 Referral to District Attorney

At the expiration of 30 days following the written notice to the man and the woman, the county welfare department shall ascertain whether or not the situation has been corrected. If not, the county welfare department shall refer the situation to the district attorney in writing. The referral shall set forth the essential data which indicates the basis for the county's suspicion of misuse of funds, as follows:

- .221 The length of time the man assuming the role of spouse has been living in the home.
- .222 The length of time his income has not been sufficient to meet his needs.

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

20-101 (Cont.)	FRAUD AND SUSPECTED LAW VIOLATIONS MISUSE OF FUNDS	Regulations
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20-101	SUSPECTED MISUSE OF AFDC FUNDS. - MAN ASSUMING THE ROLE OF SPOUSE	20-101
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AFDC

- .223 The dates the man and mother were informed verbally and in writing they were considered to be misusing AFDC funds and of the consequences.
- .224 The date the county welfare department ascertained the situation had not been corrected and the family's explanation as to why the man had not secured income nor moved.
- .225 The amount the man assuming the role of spouse has contributed to the AFDC recipients during the past 12 months.
- .226 The current amount of the AFDC recipients' total need, source and amount of income, and grant.
- .227 Any other available information pertinent to the situation.

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

20-201	PREVENTION AND DETECTION OF FRAUD RECIPIENT FRAUD	Regulations
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CHAPTER 20-200 OTHER SUSPECTED CRIMES

20-201	OTHER SUSPECTED CRIMES	20-201
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The regulations in Chapters 20-000 and 20-100 do not deal with all of the possible crimes that may be committed in the course of applying for or receiving aid or services of the county welfare department.

.1 Unsuccessful Efforts to Obtain Aid Fraudulently

Such efforts generally fall into two classes:

- .11 A material misrepresentation is made under oath or the penalty of perjury, or
- .12 A material misrepresentation is neither sworn to nor made under the penalty of perjury.

Cases in which the welfare department has reasonable grounds to suspect that a material misrepresentation was willfully and knowingly made, should be promptly referred to the district attorney on Form ABCDM 272, even though the falsity of the statement was discovered before any overpayment of aid occurred. The district attorney will then have the obligation to decide whether or not to take action, and if so, whether there should be prosecution for attempted theft, or for perjury, or some other crime.

.2 Crimes Not Involving Fraud

Incidents involving physical violence, abuse of a child, and other crimes which are witnessed or experienced by welfare department staff in the course of their duties should also be reported promptly to the proper law enforcement agency. (For limitations on interviews and statements by welfare department personnel regarding the nature of the charges which may be brought against the individual see Section 20-009.2.)

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FACE SHEET
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 WITH THE SECRETARY OF STATE
 (Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

MAR 25 1969

Office of Administrative Procedure

ENDORSED

APPROVED FOR FILING
(GOV. CODE (11380.1))

MAR 25 1969

Office of Administrative Procedure

DO NOT WRITE IN THIS SPACE

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

STATE DEPARTMENT OF SOCIAL WELFARE

(Agency)

Dated: March 24, 1969

By: John C. Maty

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

MAR 25 1969

At 1:00 o'clock P.M.

FRANK M. JORDAN, Secretary of State

By: [Signature]
Assistant Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

FINDING OF EMERGENCY

The repeal of the regulations of the State Department of Social Welfare contained in Section 44-323.415 of the Public Social Services Manual is an emergency measure necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code.

The following facts constitute the emergency:

1. In a letter dated February 11, 1969, the United States Department of Health, Education and Welfare announced a forthcoming revision of Section 345.2, Volume IV, Handbook of Public Assistance authorizing federal participation in foster home care of children receiving Aid to Families with Dependent Children.
2. The letter of February 11, 1969, was authorized for immediate implementation of this modified rule by the State of California.
3. The repeal of the regulation of the Department of Social Welfare is required to insure maximum federal participation in the Aid to Families with Dependent Children Program.
4. Any failure to secure maximum federal participation in the program would increase the State's share of the cost of such programs and would, therefore, necessarily have an adverse effect on the public health, safety and general welfare of the people of this state.

The repeal described above must, therefore, be adopted as an emergency regulation effective immediately upon filing with the Secretary of State with an operative date of January 1, 1969.

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11360.1)

The following regulation is repealed effective immediately:

AFDC 44-323.415² There is a plan for the eventual return of the child to his home or replacement in the home of a relative."

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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

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MAR 23 1969

Office of Administrative Procedure

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APPROVED FOR FILING
(GOV. CODE 11800.1)

MAR 28 1969

Office of Administrative Procedure

Copy below is hereby certified to be a true
and correct copy of regulations adopted, or
amended, or an order of repeal by:

STATE DEPARTMENT OF SOCIAL WELFARE

(Agency)

Dated: March 20, 1969

By: John C. M. J.

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

MAR 28 1969

At 3:35 o'clock

FRANK M. JORDAN, Secretary of State

By: [Signature]
Assistant Secretary of State

DO NOT WRITE IN THIS SPACE

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

CHAPTER 30-400 HEALTH CARE SERVICES

30-401 OBJECTIVES

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To provide for identification of need for preventive and remedial medical services; to assist parents, children, the aged, blind and disabled to locate organizations or individuals who are willing and able to provide medical and related health services of reasonable quality on a dignified basis; and to help such persons and families solve problems which may prevent them from obtaining needed medical services and from making optimum use of the services available. (Section 10-051.7)

30-403 DEFINITION AND PURPOSE

Health care is activity directed toward the treatment of physical, emotional and mental disease; the correction of disabling defects; the prevention, rehabilitation and amelioration of disabilities; and the maintenance of health. Factors which interfere with the ability to know about and utilize health care resources contribute significantly to the widespread health problems evidenced among low income persons. Social services help in identifying and dealing with those factors such as burdensome family responsibilities, mental and physical disabilities, infirmities of aging, language barriers, inaccessability of treatment resources, and others.

Effective 5/1/69

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FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11360.1)

30-403 DEFINITION AND PURPOSE (Continued)

The purpose of social services for health care, therefore, is to help people achieve their maximum potential for self-care, self-support and well-being and to decrease the need for institutionalization by:

1. alerting individuals and families to health problems;
2. helping them understand the importance of securing needed health care;
3. identifying and helping to deal with circumstances which affect ability to secure and use needed health care; and
4. helping them to secure and utilize needed health care.

30-405 COUNTY WELFARE DEPARTMENT RESPONSIBILITIES

The county welfare department shall

- .1 Provide help to individuals and families to
 - .11 secure and utilize health care and rehabilitation resources appropriate to their particular needs.
 - .12 deal with problems associated with medical emergencies.
- .2 Develop methods for
 - .21 Identifying individuals, families and groups of children or adults who require health care services. These individuals and groups include, but are not limited to,
 - .211 Mothers in need of prenatal or postnatal care;
 - .212 Children in need of immunization;
 - .213 Adults in need of placement in medical facilities;
 - .214 Children and adults who have birth defects, sensory defects, orthopedic or neurological conditions, mental retardation or other disorders.
 - .22 Informing appropriate individuals and groups in the community about the purposes and availability of and procedures for securing social services related to health care. Such individuals and groups include, but are not limited to,
 - .221 Providers of other health care services, such as physicians, dentists nurses, staff of medical facilities, etc.;
 - .222 School personnel;
 - .223 Religious, civic, fraternal and other community groups.

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Effective 5/1/69

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(Pursuant to Government Code Section 11380.1)

30-405 COUNTY WELFARE DEPARTMENT RESPONSIBILITIES (Continued)

- .3 Establish policies and procedures for coordination of and work with other resources necessary in providing health care services in individual cases.
- .4 Make specialized professional consultation available to staff providing social services related to health care.
- .5 Initiate necessary activity to plan, develop and coordinate community resources to provide for unmet needs or gaps in health care services.
- .6 Contact appropriate sources for health enforcement when social services related to health care are refused or are ineffective in situations where there is danger of spread of infection or contagious disease or other health hazard.

Effective 5/1/69

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(Pursuant to Government Code Section 11180.1)

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APR 22 1969

Office of Administrative Procedure

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APPROVED FOR FILING
(GOV. CODE 11180.1)

APR 22 1969

Office of Administrative Procedure

DO NOT WRITE IN THIS SPACE

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

STATE DEPARTMENT OF SOCIAL WELFARE

(Agency)

Dated: April 18, 1968

By: John C. Smith

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

APR 23 1969

At 3:35 o'clock P.M.

FRANK M. JORDAN, Secretary of State

By: John C. Smith
Assistant Secretary of State

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

42-340 UNEMPLOYMENT OF A PARENT

42-340

AFDC

.1 Deprivation Due to Unemployment

Deprivation due to unemployment of a parent exists when either parent is:

- .11 Not working at all and is available for and seeking employment, or receiving training essential to his future self-support; or
- .12 Employed only part time.

.121 Part-time employment is that which:

- a. Affords less than 152 hours of paid regular work per month; or
- b. Affords less than the number of hours considered by the industry to be full time for the job, as established by the California State Employment Service if under 152 hours.

Effective 2/1/69

This regulation does not contain any building standards.

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(Pursuant to Government Code Section 11380.1)

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APR 24 1969

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(GOV. CODE 11380.2)

APR 25 1969

Office of Administrative Procedure

DO NOT WRITE IN THIS SPACE

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

STATE DEPARTMENT OF SOCIAL WELFARE

(Agency)

Dated: April 22, 1969

By: John C. Math

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

APR 25 1969

At 12:31 o'clock P.M.

FRANK M. JORDAN, Secretary of State

By J.P. Hill
Assistant Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

36105. Case Records - Relinquishment and Independent Adoptions

- (a) The agency shall maintain a case record for each family unit or individual served in its adoption placement program.
- (b) During the study process the agency shall maintain a complete record on each case. Each case record shall include a face sheet or application form, a typewritten record of the study, medical and other reports, applicable correspondence, legal documents, verifications, evaluations of findings, decisions reached, actions taken, and court reports.
- (c) All information in adoption case records shall be confidential.
(See Section 36421.)

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Effective 6/1/69

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

Section 36106 - Independent Adoptions Case Records

- (a) When the court report is filed and the case closed, the record shall be returned to the SDSW, Sacramento, for permanent filing. It shall be the responsibility of the study agency to assure that copies of the material listed below are included in the case record when it is sent to the SDSW for permanent filing: the petition, and notices of subsequent actions; questionnaire; Infant Release Report, if any; psychiatric and psychological reports, if any; references; certified copies of documents; any other reports of significance to the study and report to the court; the study; and the report to the court. Any material that is not legible in its original form shall be identified, and clarified or summarized in the study, and the illegible material shall then be destroyed.
- (b) It shall be the responsibility of the study agency to delete from the case record and destroy all other matter prior to sending it to the SDSW for permanent filing. Materials to be deleted and destroyed include the following: duplicate copies of correspondence and other materials; appointment letters of temporary significance; requests for verifications after receipt of the response; handwritten notes of the caseworker; copy of the irregular placement report; any other material of temporary significance.

Effective 6/1/69

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

10-033 UTILIZATION OF PUBLIC AND PRIVATE AGENCIES

10-033

- .1. The county welfare department is responsible for assuring that efforts of the staff of the county welfare department are such as to achieve maximum utilization of and coordination with other public and private agencies which provide services comparable or related to public social services, that the use of such agencies will be based on a determination that services can in that way be provided more effectively or without significant additional cost, and that services provided by such other agencies will meet program standards established for public social service.

10-034 USE OF PUBLIC AND PRIVATE AGENCIES AND INDIVIDUALS AS SERVICE

10-034

CONTRACTORS

.1 Objectives

The county welfare department is authorized to provide services in appropriate cases by purchase, contract or cooperative arrangement from other State or local public agencies, from nonprofit or proprietary private agencies or organizations, or from individuals, for all eligible persons (see 10-070).

Such arrangements have as their objective the supplementation of public social services provided by county welfare departments; extension of the range of available services; and provision of opportunities for recipients to exercise choice with regard to the source of purchased service.

.2 Services Subject to Purchase, Contract or Cooperative Arrangements.

Services subject to purchase, contract or cooperative arrangements include the required services included in 10-051, and the recommended ETP and homemaker services included in 10-053.3 and 10-053.6.

.3 General Requirements for Contracting

- .31 There shall be maximum utilization of and coordination with other public and private agencies providing services related to those provided under the county plan, where such services are available without cost. (See 10-034.4 and 10-034.5 for additional limitations on purchase.)

- .32 Counties shall give thorough consideration to the use of other public and private agencies as services contractors in appropriate cases.

Use of such agencies shall be based on:

- .321 A determination that required program standards will be met.
.322 A comparison of the effectiveness with which the services are likely to be rendered.
.323 The anticipated cost thereof.

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Effective 6/1/69

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

10-034 USE OF PUBLIC AND PRIVATE AGENCIES AND INDIVIDUALS AS SERVICE
CONTRACTORS (Continued)

10-034

.33 The plan for the use of services contractors shall be included as part of the public social services plan and annual report. It shall be specific in its description of the services to be provided or purchased, the persons to whom they will be available and the manner of providing them.

.34 All contracts or agreements for purchase of services shall be in writing and shall when completed be placed on file in the county welfare department and readily accessible for public review on request.

.4 Purchase of Vocational Rehabilitation Services

Services authorized under the Vocational Rehabilitation Act shall be obtained from the State vocational rehabilitation agency when that agency is willing and able to provide them. They may be purchased from another source only when they are not obtainable from the State Vocational Rehabilitation Agency.

.5 Exclusions from Reimbursement

Payments for subsistence (including payments for foster care), i.e., items of individual or family need normally included as basic or special needs in assistance payments (see 44-265.2), and medical or remedial care are not subject to reimbursement as services costs.

.51 Services purchased may include subsistence and medical care items when they are provided as essential components of a comprehensive service program of a facility and their costs are not separately identifiable, (e.g., in a rehabilitation center or a day care facility.)

.52 Services purchased may include medical and remedial care and services as part of family planning services and required medical examinations for persons caring for children under welfare department auspices when not otherwise available.

.6 Standards for Services Contractors

The county welfare department shall assure that the sources from which services are purchased either:

.61 Are licensed.

.62 Are approved as meeting State licensing standards.

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Effective 6/1/69

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

10-034 USE OF PUBLIC AND PRIVATE AGENCIES AND INDIVIDUALS AS SERVICE
CONTRACTORS (Continued)

10-034

- .63 Meet applicable accrediting standards.
- .64 Meet standards or criteria established by or acceptable to the State agency to assure quality of services, including standards appropriate for services provided by new self-help groups and other organizations for which licensing or accrediting do not exist.
- .7 County Responsibility for Purchase of Services
- .71 The county welfare department shall retain continuing, basic responsibility for:
- .711 The eligibility of individuals for services.
- .712 The authorization, selection, quality, effectiveness, and execution of a plan or program of services suited to the needs of an individual or group of individuals.
- .713 The development of criteria for determining under what circumstances and for how long the service will be provided by the service contractor.
- .714 The preparation at least annually of a written record of the performance of service contractors, both qualitative and quantitative, which shall be readily available for SDSW review.
- .72 The county welfare department shall assure that the regulations and requirements governing services programs are applicable to the purchase of service, including:
- .721 Provision for fair hearings and grievances.
- .722 Safeguarding of information.
- .723 Protection of civil rights.
- .724 Financial controls.
- .725 Reporting procedures.
- .726 Provision of opportunity for recipients to exercise choice with regard to source of purchased service.

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Effective 6/1/69

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

10-034 USE OF PUBLIC AND PRIVATE AGENCIES AND INDIVIDUALS AS SERVICE
CONTRACTORS (Continued)

10-034

.73 The county welfare department shall assure the progressive development of arrangements with a number and variety of agencies and other sources.

.731 The county welfare department shall work with service suppliers to maintain and improve the quality of services by providing consultation and technical assistance, periodically reviewing performance, and helping develop new and more effective approaches and methods of delivering purchased services.

.8 Rates of Payment

Provision shall be made for the establishment of rates of payment for purchase of service which shall be a matter of public record.

.81 Such rates shall not exceed the amounts reasonable and necessary to assure quality of service.

.82 When services are purchased from other public agencies the rate of payment shall be in accordance with the cost reasonably assignable to such services.

.83 The rate shall be based on consideration of full cost of the services.

.84 The methods used in establishing and maintaining rates for purchase of service shall be described.

.85 The information on which rates for purchase of service are based shall be maintained in accessible form.

10-035 DEVELOPMENT OF COMMUNITY RESOURCES

10-035

.1 The county welfare director is responsible for initiating and participating in efforts to develop additional community resources which are necessary to the achievement of public social service objectives.

.2 A current file of community resources available for the utilization in case planning shall be accessible to staff. Referral practices shall be formalized and disseminated to staff so that necessary community resources can be brought to bear for the benefit of the client.

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10-053 RECOMMENDED SERVICE PROGRAMS (Continued)

10-053

.5 State Preschool Services (formerly Preschool Compensatory Education)

To provide for children between the ages of three and the age when chronologically eligible for kindergarten from economically and culturally deprived homes the experiences and motivation to prepare them to enter public school on an equal basis with children from more advantaged homes. (See Chapter 31-350)

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(Pursuant to Government Code Section 11380.1)

10-203 STAFFING STANDARDS (Continued)

10-203

.7 Use of Services Aides

.71 Objectives

The objectives of the Services Aides Program are: (1) the enrichment of the Services Program of the county welfare department, (2) improved services to poor people and (3) the provision of employment to low income families.

.72 Effective Date for Plan Implementation

The county staffing plan shall provide for the employment, training, and effective use of Services Aides in the Adult Programs and in the Family and Children's Program by no later than July 1, 1969.

.73 Qualifications for Aides

The county shall seek out and give preference to recipients and other persons of low income in the filling of Services Aides positions in the planning, administration and delivery of health, social and rehabilitation services. Persons to be employed should have the capacity to deal realistically with practical problems relating to welfare recipients. There shall be no formal educational requirements for these positions.

.74 County Staffing Plan for Aides

The county staffing plan shall include provision for career service opportunities which permit individuals employed as Services Aides to progress to positions of increasing responsibility and remuneration as a result of successful work experience, pre-service and in-service training, and educational leave with pay.

.741 The county staffing plan shall include an organized training program for Services Aides which is described in the annual county staff development plan. The organized training program should include use of adult education facilities, community colleges and other appropriate educational institutions.

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10-203 STAFFING STANDARDS (Continued)

10-203

.742 The county staffing plan shall provide annually for progressive expansion in the number of Services Aides which is described in the public social service plan and annual report. Program expansion shall continue until maximum utilization of Services Aides is assured.

.75 General Requirements for Use of Services Aides

.751 The plan for the use of Services Aides shall be included as part of the public social services plan and annual report submitted by the county welfare director (See Sec. 10-207).

.752 Responsibility for the ongoing development and extension of the use of Services Aides shall be assigned to a specific member of the staff of the department.

.753 Supervision of the individual Services Aide involved in the direct delivery of services shall be by a member of the social services staff and assignment of services cases shall be to the social services/worker.

.754 The social worker staffing standard (see 10-203.321) is not affected by the assignment of services aides. Likewise, the first line supervisory social work staffing standard is not affected by the assignment of Services Aides to a supervisory unit, regardless of whether the Aides are supervised directly or by a social worker. (See also 10-203.61 above for requirements on use of differential workloads for social workers and first line supervisors.)

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(Pursuant to Government Code Section 11280.1)

DEPARTMENT BULLETIN NO. 652 Revised (All Aids)

II. DEFINITIONS

2. Willfully Withheld Information

"Willfully withheld information" as used herein means the recipient understood his responsibility to report the particular change in his income, need, resources or other circumstances which resulted in the overpayment and consciously decided not to report, to delay reporting or to misrepresent such change for the purpose of obtaining or retaining the overpayment.

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These regulations do not contain any building standards.

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(Pursuant to Government Code Section 11380.1)

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APR 24 1969

Office of Administrative Procedure

ENDORSED

APPROVED FOR FILING
(GOV. CODE 11380.2)

APR 25 1969

Office of Administrative Procedure

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Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

STATE DEPARTMENT OF SOCIAL WELFARE

(Agency)

Dated: April 22, 1969

By: *John C. Math*

Director

(Title)

FILED

in the office of the Secretary of State
of the State of California

APR 25 1969

At 12:34 o'clock P.M. 4/25

FRANK M. JORDAN, Secretary of State

By: *John C. Math*
Assistant Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

Chapter 8. Continuing Care Agreements

Subchapter 1. Application Requirements for Certificate of Authority

Article 1. Definitions

42501. CARE (OR SERVICES). Care (or services) means those minimum services or standards required as a condition of licensing by the licensing agency having jurisdiction.

42503. CONTINUING CARE. For purposes of the regulations in Chapters 8 and 9, "life care" shall mean the same as and be referred to as "continuing care," meeting the requirements set forth in Sections 16300 through 16318, Welfare and Institutions Code.

The provision of care to an aged person based upon the requirement of transfer of any consideration by or on behalf of the aged person is subject to the life care statutes and the regulations in Chapters 8 and 9 if:

1. The agreed-upon care is promised for a period which expressly or by necessary implication exceeds one year.

2. In making the determination whether or not care is promised for a period exceeding one year, the department will give weight to the following:

(a) Whether the advance payment, or promise of payment, exceeds one year's cost of the agreed-upon services, based upon the per capita cost of such services.

(b) Whether the provider of care has made or is making a representation to the public, whether generally or to special groups, or to individuals, and whether orally or in writing, that care will be provided for life or for an indefinite period of time exceeding one year.

To be subject to the continuing care regulations, the provider of care need not offer or arrange to provide all of the services required as a condition of licensing to each of its residents as long as it is subject to the licensing jurisdiction of one of the state or local licensing agencies.

The right of an aged person to contract for services which may be needed at a later date and pay only when utilized does not preclude the arrangement from being continuing care.

Only the per capita cost of the agreed-upon services shall be included in the determination of whether an advance payment, or promise of payment, exceeds one year's cost of case.

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42504. CONTINUING CARE AGREEMENT. An agreement executed by a provider of care (or services) and an aged person or by a relative or agent on his behalf which incorporates the provisions defined in Section 42503 is referred to as continuing care agreement.

42505. ACCOMMODATION LEASE (FORMERLY CALLED LIFE LEASE). An accommodation/lease arrangement is a landlord-tenant relationship wherein the tenant obtains only the right to possess a defined living unit for life. In an accommodation lease there is no obligation, nor intent, to provide care and services to the tenant at any time, present or future. A provision which gives the tenant the option to purchase care and services from the landlord, or to have the landlord arrange for such services, at any time during the life of the agreement constitutes continuing care if aged persons are involved.

42507. MONTHLY BOARDING OR NURSING HOME CARE. The provision of care (or services) to aged persons on a month-to-month basis is not subject to the life care statutes and the regulations of this chapter if payment for the agreed-upon services is made on a month-to-month basis.

42509. PER CAPITA COST. In general usage, the per capita cost refers to the prorata (proportionate) distribution of a home's operating expenses on the basis of the average number of residents. The annual distribution of operating expenses is based upon expenditures for the fiscal year.

(a) Operating Expenses. Operating expenses for the fiscal year include all costs incurred to house and care for all residents. Included are costs of food services, housekeeping, grounds and gardens, general plant and equipment, utilities, health and medical services, resident programs, insurance, general and administrative, community services, interest on mortgages and loans, services-in-kind (i.e., donated services) and depreciation.

Costs of major alterations and repairs which are capitalized are not included in operating expenses.

Expenses of maintaining investment properties or outside real estate not related to the care of residents are not included in operating expenses.

Certain costs which are not expenses of providing housing and care of the residents are to be excluded from operating costs by abating (deducting) the income or revenue from the operational expenses. These items include reimbursements: from employees for housekeeping rooms and meals, from guests for guestrooms and meals, from incidental charges collected by the home when it acts merely as a collection agent for third parties (i.e., payments for newspapers, magazines, telephone service, beauty parlor and barbershop services), and from fees paid by nonresidents such as fees collected at programs conducted by the home. In addition, the amount received as processing or filing fees is abated from general and administrative costs.

(b) Average Number of Residents. The average number of residents is determined by adding the beginning and ending number of residents for the fiscal year and dividing by two. An employee who is required to live in the home as a condition of employment is not to be considered a resident.

For homes whose resident population fluctuates from month to month and for homes in their first year of operation, the average number of residents may be computed by adding the number of residents at the end of each month in the fiscal year and dividing by the total number of months included.

The daily attendance for the fiscal year may also be used to determine the average number of residents.

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42509 (Continued)

(c) For Refunds. For purposes of determining refunds under Section 16308 (W&I Code), the per capita cost (general usage) shall exclude services-in-kind (i.e., donated services).

(d) For Reserves. For purposes of determining reserves under Section 16304 (W&I Code), the per capita cost (general usage) shall exclude:

1. depreciation,
2. services-in-kind,
3. subsidies, and
4. community services.

(e) Depreciation. Depreciation of equipment, furniture, furnishings, buildings, and building improvements shall be based upon historical costs, using the straight-line method.

(f) Home With Medical Facility. If separate accounting records are maintained for the home's medical facility, the operating expenses will include the pro rata share of costs applicable to persons living in the residential section. If only one set of accounting records is maintained and the medical facility is open to nonresidents, revenue from nonresidents shall be abated (deducted) from the operating expenses.

(g) Central Operation of Multiple Facilities. Organizations which operate several residential facilities under the general direction of central administrative staff (even though not located within the same city) are permitted to combine operating expenses of all their facilities to arrive at one per capita cost for use by all of their facilities.

(h) A proprietary home may, in establishing the cost of care, include a reasonable amount representing its margin of profit. This amount shall be clearly identified and shall be excluded in the determination of reserve requirements pursuant to Welfare and Institution Code Section 16304.

42511. LICENSING AGENCY. The licensing agency may be the State Department of Social Welfare, Public Health, or Mental Hygiene, or a county licensing agency which issues a license or permit to maintain or conduct a residential care home, a boarding home, a nursing or convalescent home, or a hospital for the reception and care of aged persons.

42513. LEGAL ENTITY. As used in these regulations, legal entity means a sole proprietorship, corporation, partnership, association, joint venture or other organization specifically designated as the licensee responsible for the continuing care home policy and operation.

42515. LICENSEE. Licensee is the legal entity which is given authority by a state or local licensing agency to operate a residential care home, boarding home, nursing or convalescent home, hospital or related facility.

42517. HOME OR FACILITY. Home, facility, institution, corporation, licensee or certificate holder may be used interchangeably to designate the organization or person who receives and cares for aged persons.

42519. CERTIFICATE OF AUTHORITY. A Certificate of Authority is written authorization by the department authorizing a licensed organization or person to enter into continuing care agreements to furnish care (or services) to aged persons for a period of more than one year or for life. As a condition for the issuance and retention of the authorization, the organization or person agrees to conform to all of the rules and regulations of the department. The authorization is also referred to as the "certificate" and the licensee is referred to as the "certificate holder."

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42521. PERSONNEL OF THE HOME. References to personnel of the home or facility includes all persons connected with the management or operation of the home or facility. This includes persons who control the activities or resources in any way, such as officers and directors of the home as well as those of the parent organization.

42523. APPLICANT. As used in Chapter 8, an applicant is an organization or person applying for authorization (Certificate of Authority) to enter into continuing care agreements to furnish care (or services) to aged persons for a period of more than one year or for life. As used in Chapter 9, an applicant is an organization or person applying for a permit to issue and sell deposit subscriptions on continuing care agreements.

42525. CARE FEE. The care fee is that payment made by, or on behalf of, an aged person to a person or an organization operating an establishment licensed by the appropriate licensing agency which, generally, is payment for services and commodities provided by the facility.

(a) **Monthly Care Fee.** The monthly care fee is the fee paid each month for services to be provided during the period covered by the agreement.

(b) **Lump-Sum Continuing Care Fee.** The lump-sum continuing care fee is an advance payment made for future services to be rendered to the resident during the period covered by the agreement. In some cases, this fee may be paid in installments.

42527. ACCOMMODATION FEE. An Accommodation fee is an advance payment or transfer of a specified amount of funds or property by, or on behalf of, an aged person to a home or facility as full or partial payment for the promise of the home to provide accommodations. In some cases, this fee may be paid in installments. An advance payment which falls within the scope of this definition may also be called a founder's contribution, a capital sharing fee, an entrance fee or some other term.

Where the home quotes only one sum to be paid in advance, without making any distinction between the portion representing the continuing care fee and the portion representing the accommodation fee, either one of these terms may be used for the advance payment.

42529. PROCESSING FEE. A processing or filing fee is an advance payment which may be retained by the home to cover administrative costs of processing the application. To collect a processing fee, the home must be licensed by the appropriate licensing agency or else it must have a permit under Chapter 9. The processing fee is not considered an advance payment. (See Section 42531 for advance payments.)

42531. APPLICATION DEPOSIT. An application deposit is a sum of money paid by or on behalf of an aged person representing an advance payment on any fees charged by the facility (accommodation fee or lump-sum care fee).

Applicants under regulations of Chapter 9 are not permitted to collect any funds, including the processing fee, until the permit is issued.

The application deposit is returned to the aged person if the aged person is found to be unacceptable for admittance to the facility or if the application is withdrawn by the aged person prior to execution of the continuing care agreement.

The amount of the application deposit may not exceed one year's per capita cost of care unless there is a separate agreement stipulating that the deposit is a loan to the facility for either a specified period of time or until an available vacancy occurs. The loan commitment should specify any interest to be paid. (See Section 42885, Chapter 9, on Debt Securities.)

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42533. DEPOSIT SUBSCRIPTION. A deposit subscription on a continuing care agreement is an agreement by a prospective resident who has applied for and has been preliminarily accepted by an organization or person who plans to construct an institution for the reception and care of aged persons.

The deposit subscription agreement assumes that the permittee will obtain a license and the Certificate of Authority and the prospective resident promises to execute a continuing care agreement if the license and certificate are obtained.

The prospective resident makes payments, which are impounded, as construction progresses on the facility with the total subscribed amount to be paid up by the time living accommodations are available for occupancy.

Article 2. General Provisions

42551. WHO MAY CONTRACT. Any person, association or corporation may apply to the State Department of Social Welfare for a Certificate of Authority to contract to provide an aged person with continuing care or care for a period of more than one year provided such applicant has received a license to maintain or conduct an institution, boarding home, or other place for the reception and care of aged persons. The license shall be one issued by the licensing agency having jurisdiction.

42553. FACILITIES FOR THE AGED NOT REQUIRED TO HAVE A CERTIFICATE OF AUTHORITY. A certificate is not required when care of the aged is given by any of the following persons:

(a) Son, daughter, grandchild, brother or sister of the aged person, and spouses of such persons (including step, half and adopted relatives of same).

(b) Close friends and relatives in a shared living arrangement, when the services are identical to the living arrangement and the aged person was not received into the home of the friend or relative for the purpose of care.

(c) Legally appointed guardian or conservator of the person.

42555. OPERATION WITHOUT A CERTIFICATE OF AUTHORITY. A person or corporation who receives transfers of funds or property from an aged person conditioned upon an agreement to furnish continuing care or care for a period of more than one year without first receiving a Certificate of Authority from the department shall be referred to the district attorney for action. (Section 16318, W&I Code.)

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42565. **ADVERTISING.** Any report, circular, public announcement, certificate, financial statement, or any other printed matter or advertising material, which is designed for or used to solicit or induce persons to enter into a continuing care agreement, shall be governed by the provisions of Section 16317 of the Welfare and Institutions Code and 17500 of the Business and Professions Code. The listing of officers and administrators does not require such statements.

(a) ~~ADVERTISING~~ **ADVERTISING (NEW HOMES).** A copy of any prospectus or advertising material prepared for distribution or publication shall be submitted with a new home's application for a certificate, or as soon thereafter as possible.

42567. **PUBLIC INFORMATION.** Annual audit reports which must be filed with the department are public information and information contained in the audit report may be provided upon request.

Information that an application for a Certificate of Authority has been filed, that a certificate has been granted or denied, and the type of care offered by the home (type as distinguished from quality) is public information and shall be provided upon request.

Other departmental records and/or reports pertaining to homes or facilities shall be confidential.

42569. **ADVANCE COLLECTION OF FUNDS.** Before any funds may be collected for the construction of a proposed facility for aged persons (e.g., processing fee, deposits, etc.), the person or corporation must post a performance bond under Section 16302 of the Welfare and Institutions Code or must file an application for permit to issue and sell deposit subscriptions and receive such permit from the department if collection is based upon

future sales of continuing care agreements. See Chapter 9 of these regulations.

The advance collection of funds (i.e., accommodation fee, lump-sum care fee, ~~processing fee~~ application deposit) shall not be collected by:

- (a) An organization which does not have a facility in operation,
- (b) An organization which plans to construct a facility with either their funds or with funds of prospective residents, or
- (c) An unlicensed facility.

A certificated licensed facility shall not collect fees in advance unless an accommodation is available and/or a resident has given notice of withdrawal or transfer thereby creating a vacancy.

42571. **COLLECTION OF APPLICATION DEPOSITS.** The amount of the application deposit may not exceed one year's per capita cost of care unless there is a separate agreement stipulating that the deposit is a loan to the facility for either a specified ~~period~~ of time or until an available vacancy occurs. The loan commitment should specify any interest to be paid. (See Section 42885, Chapter 9, on Debt Securities.)

Applicants under regulations of Chapter 9 are not permitted to collect any funds, including the processing fee, until the permit is issued.

The application deposit is returned to the aged person if the aged person is found to be unacceptable for admittance to the facility or if the application is withdrawn by the aged person prior to execution of the continuing care agreement.

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Article 3. Certification Process

42601. APPLICATION FOR CERTIFICATE OF AUTHORITY. An application for a Certificate of Authority, on forms prescribed and supplied by the department, shall be filed in duplicate with the appropriate licensing representative. Facilities licensed by a licensing agency other than SDSW shall file the application with the Fiscal Division, SDSW.

(a) Applicants Currently Licensed. Applicants who hold a valid license for the reception and care of aged persons will include on the application for a certificate the license number, the date of expiration, and the identification of the issuing agency.

(b) Applicants Not Currently Licensed. Applicants not currently licensed to receive and care for aged persons are to submit the application for a certificate concurrently with their application for a license. For newly constructed facilities, other than those subject to Chapter 9 of these regulations, no application shall be submitted later than six months prior to the completion of the home.

If an applicant plans to use funds of prospective residents for construction of the facility, or any portion of it, such request shall be submitted as part of the application for permit to issue and sell deposit subscriptions unless the applicant posts a performance bond in accordance with Section 16302 (W&I Code). Funds shall be subject to all of the impound regulations contained in Chapter 9.

42603. FILING OF APPLICATION FOR CERTIFICATE OF AUTHORITY.

(a) Single Application. A single application shall be required if the applicant plans to utilize in their operations buildings located at different addresses in close proximity to each other (adjacent or across the street).

No application is required for proposed alterations and/or additions to present structures if the changes or additions are covered by the current license under an amended application with the appropriate licensing agency.

(b) Buildings at Different Locations. Separate applications shall be required: (1) for the operation of two or more facilities located on the same premises if operations are administratively independent of each other, (2) for buildings or facilities at different locations whether construction is simultaneous or at different times, and (3) for new buildings or facilities added on the same premises.

(c) Corporation Organizational Change. If the certificate holder is a corporation which undergoes an organizational change (e.g., change in structure, separation from a parent company, merger with another company, etc.), a new application shall be required and a new certificate must be issued by the department before any continuing care agreements may be executed by the new corporation. In the absence of a complete novation (the substitution of a new legal obligation for an old one), the old corporation shall not be released from prior obligations under continuing care agreements. The old corporation is required to set up a trust fund or to secure a performance bond to ensure the fulfillment of all contractual obligations.

(d) Corporation Name Change. ~~A~~ new application is not required for a corporation name change. If the certificate holder is a corporation which has a name change, the department shall be notified of the name change and the old certificate shall be returned by the corporation for reissuance under the new corporate name.

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42605. CONFORMITY WITH ALL REGULATIONS. Eligibility for a Certificate of Authority is dependent upon conformity with all applicable statutes and regulations.

42609. DENIAL OF CERTIFICATE. When it is necessary to recommend denial of a Certificate of Authority, this action shall be carefully discussed with the applicant. Unless the applicant elects to withdraw his or her application for certificate, a letter of denial shall be sent to the applicant confirming the prior discussion. If an appeal is filed, further proceedings will be conducted in accordance with the Administrative Procedure Act.

42611. ISSUANCE OF CERTIFICATE. The certificate may not be issued prior to the issuance date of the license since the license is a prerequisite for obtaining the certificate. (See Section 16300 of the Welfare and Institutions Code.)

The Certificate of Authority remains in force until suspended, revoked or voluntarily returned to the department. The certificate shall show the name of the person or organization authorized to execute continuing care agreements and the address (location) of the facility. The certificate is contingent upon the licensee receiving and maintaining an annual license.

42613. TERMS OF THE CERTIFICATE. The certificate shall specify that the number of continuing care agreements maintained by the facility may not exceed the number of residents for which all licenses are effective. This includes licenses issued by SDSW, SDPH, SDMH or a county licensing agency. Residents who are permanently transferred to a nursing home or other institution but are still under contract with the licensee are excluded from the permissible limit if reassignment of the accommodations is permitted by the agreement.

Any decreases or increases in capacity which are authorized by an amended license(s) automatically apply to the number of contracts permitted by the certificate. The certificate is valid only for the named person or corporation and the specific facility.

A limited certificate may be issued in cases where the facility wishes to limit the number of agreements it will execute. A certificate may also be restricted to apply to agreements with specific individuals only.

42615. POSTING OF CERTIFICATE. The certificate shall be posted in a conspicuous place in the facility where it may be easily and conveniently seen and read by prospective residents prior to the execution of any continuing care agreements.

42617. CONDITIONAL CERTIFICATE. If the applicant meets all of the requirements for a certificate except the statutory reserve requirement at the time of application and the plan of operation shows that reserve requirements can be expected to be met in a few years, a conditional certificate valid for a period of two years may be issued.

If an applicant who meets all requirements for a certificate except the statutory reserve requirement posts a performance bond in accordance with Section 16302 (W&I Code), a permanent certificate shall be issued.

The applicant who meets all of the requirements for a certificate, including the reserve requirement, shall be issued a permanent certificate.

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42621. WITHDRAWAL OF APPLICATION. An applicant may withdraw his application for a Certificate of Authority at any time. A verbal request for withdrawal of an application shall be confirmed in writing by the department.

42623. SALE, LEASE OR RENTAL OF FACILITY. If a certificate holder plans to sell the facility, transfer ownership, lease or rent the facility to others, he shall first obtain written approval of the SDSW. In the absence of a complete novation (the substitution of a new legal obligation for an old one), the certificate holder is required to set up a trust fund or to secure a performance bond to ensure the fulfillment of all contractual obligations. The certificate holder shall be notified by the department that the certificate is revoked by transfer of ownership and shall be requested to return his certificate.

The potential new operator must obtain a license and the Certificate of Authority before executing any continuing care agreements.

42625. BASIS FOR SUSPENSION OR REVOCATION OF CERTIFICATE.

(a) Suspension. A Certificate of Authority may be suspended by the department for, but not limited to, the following causes:

- (1) Failure to establish and maintain the required reserves.
- (2) Failure to provide all of the services, goods or accommodations in accordance with the terms of continuing care agreements.
- (3) Failure to submit agreement form changes in the terms or conditions of continuing care agreements, or of any other agreement with residents, to the department for prior approval.
- (4) Failure to submit the required annual audit.
- (5) Failure to permit a duly authorized representative of the department to inspect and examine the home, its books and records or the performance of any service required pursuant to the continuing care agreements.
- (6) Failure or refusal to correct a life or health hazard within the time limit established (e.g., a reasonable period) after the home has been notified evidence of mistreatment or neglect of aged persons, either physical or emotional, requires correction.

(b) Revocation. A Certificate of Authority shall be revoked by the department for, but not limited to, the following causes:

- (1) Failure to meet the licensing requirements or to hold a valid license.
- (2) Transfer of ownership, sale, lease or rental of the home or facility to another party.
- (3) Failure to obtain and to maintain in effect any surety or performance bond which may be required by the department.
- (4) Failure to obtain the department's approval prior to changing the place of performance (care) except in circumstances where residents are removed for medical treatment or other emergency.
- (5) Changes in corporate identity without approval of the department.

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(Pursuant to Government Code Section 11380.1)

42627. SUSPENSION OR REVOCATION OF CERTIFICATE. Any anticipated suspension or revocation of a Certificate of Authority shall be discussed with the certificate holder in advance. The discussion will be confirmed by a registered letter to the certificate holder if the department determines that there is cause to suspend or revoke the certificate. This letter will:

- (a) State that the certificate is suspended or revoked and to request its return;
- (b) List the reasons for the suspension or revocation; and
- (c) Review the right of appeal and the 30-day time limit for filing an appeal.

If an appeal is filed, further proceedings will be conducted in accordance with the Administrative Procedure Act.

When a certificate is suspended, revoked or voluntarily returned to the department, the former certificate holder is not authorized to execute any new agreements. However, the former certificate holder may reapply for a certificate whenever he feels he qualifies.

If the home continues to execute continuing care agreements after suspension or revocation of the certificate, the department shall request the district attorney to prosecute.

42629. LIEN BY ^{THE} DEPARTMENT. The department may record a notice of lien (with the county recorder) on all property of the home on behalf of continuing care residents when considered advisable to protect their interest.

The department shall file a release of the lien upon proof of complete performance of all continuing care agreements executed by the certificate holder, upon the filing of a surety (performance) bond meeting the conditions set forth in Section 16302 of the Welfare and Institutions Code, or upon the establishment of an appropriate trust fund account on behalf of the continuing care residents.

The certificate holder may appeal from a refusal by the department for release of the lien. If an appeal is filed, further proceedings will be conducted in accordance with the Administrative Procedure Act.

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Subchapter 2, Requirements for Continuing Care Agreements

Article I, General Provisions and Definitions

42651. WRITTEN AGREEMENTS. All continuing care agreements shall be in writing and the agreement "form" shall require the approval of the department prior to their use by a home or facility. The agreements are reviewed by the department for (a) legal conformity, (b) fiscal requirements, and (c) licensing requirements.

The forms of any exhibit, addendum or attachment referred to or incorporated by reference in the agreement shall be submitted to the department when the agreement form is submitted for approval. Homes licensed by the State Department of Social Welfare shall submit the forms, in duplicate, to the licensing representative.

If the agreement is to be used for several types of plans offered by the home or facility, e.g., continuing care, monthly boarding, or accommodation lease, the agreement shall be clearly written so as not to be confusing to a rational, aged person and/or a responsible relative or friend. If this cannot be done, the agreement shall be printed as separate documents.

The legal name of a corporation shall be used in the agreement as one of the contracting parties. The name under which the home or facility is doing business may be used in the agreement as part of the address.

42652. APPROVALS. The responsibility of issuing approval on continuing care agreements lies with the Fiscal Division. Comments by legal and licensing staff of the department shall be forwarded to the Fiscal Division for attachment or inclusion in a single letter to the home.

42653. MORE THAN ONE TYPE OF AGREEMENT. A home may use different agreements within their operation, e.g., for residents who are monthly room and board; for residents who make a lump-sum deposit, but do not qualify as "continuing care," for residents who use funds from the sale of their home for the initial deposit and are accepted at reduced monthly rates; and for general admission as continuing care residents.

42657. PRINTING. Agreements should be printed in clear, legible print, preferably no smaller than standard (elite type) typewriter, and worded in simple, understandable terms. Each paragraph should deal with only one subject. Captions in larger type print shall be used.

42659. PAYMENTS FOR CONTINUING CARE AGREEMENTS. The method of payment for continuing care agreements generally falls into three main types:

(a) A lump-sum payment which covers both the accommodation and care services (also called totally prepaid).

(b) A lump-sum payment which covers the accommodation and the payment of monthly fees to cover the cost of care.

(c) The transfer of all property and assets including any property or income the prospective resident may receive in the future.

42661. ADMISSION AGREEMENT. In lieu of having a separate admission agreement, the home or facility shall include all items required by licensing regulations in the continuing care agreement.

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42663. AGREEMENT FORMS REQUIRE PRIOR APPROVAL. The form and content of continuing care agreements require prior approval and any revision required by the department shall be made by the home before a certificate can be issued. Continuing care agreements cannot be executed prior to the issuance of a Certificate of Authority.

Notification of the department's approval on all aspects of the agreement (legal, fiscal and licensing) shall be transmitted to the home or facility by a single letter from the Fiscal Division.

42665. CHANGES IN CONTINUING CARE AGREEMENTS. Changes or revisions to forms of continuing care agreements require the department's prior written approval.

Article 2. Provisions Required in Continuing Care Agreements

42701. NEW CONTINUING CARE AGREEMENTS. Any home which begins operations after the effective date of these regulations shall meet all of the regulations of the department and shall incorporate the provisions of Article 2 immediately. Revisions shall be submitted through the appropriate licensing representative in duplicate copies.

42703 CONTINUING CARE AGREEMENTS PREVIOUSLY APPROVED. All continuing care agreements presently used and currently under approval by the department shall be corrected to conform with the provisions of Article 2 by July 1, 1970. Any certificated home which has not made the required changes or revisions for use by July 1, 1970, shall have its Certificate of Authority suspended. The department's approval of forms applies to new (unnegotiated) agreements. Executed agreements need not be re-negotiated.

42705. PERTINENT INFORMATION AND RECITALS. The continuing care agreement should be appropriately headed, followed by the pertinent date and designations.

Recitals should begin with a statement of basic philosophy, function and purpose of the corporation or home. As a minimum the recitals shall include the age of persons eligible for admission, home regulations applicable to the resident and the location of the home or facility.

Preliminary acceptance of the resident as a member of the home should be clearly shown in the recital. If the resident is accepted by the home at the time the agreement is executed, the home is permitted to retain ^{the} accommodation fee and the continuing care fee in the event of death of the member during the probationary or trial period. At some point in the contract, a statement similar to the following would be required to support this action. "Upon the death of Resident, ^{all} accommodation fees and all funds deposited for the continuing care agreement of Resident shall remain the property of the Corporation."

42707. DUPLICATE COPY OF AGREEMENT. The continuing care agreement shall be properly filled out and prepared in duplicate. A duplicate of the original shall be returned to the resident and the original shall be retained by the facility or home.

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42709. NONDISCRIMINATION CLAUSE. The continuing care agreement shall contain a nondiscrimination clause which specifies the home is operated on a nondiscriminatory basis according equal treatment and access to services without regard to race, color, religion national origin or ancestry.

Admission criteria shall permit the exclusion of individuals who for reasons other than race, color, religion, national origin or ancestry are unsuitable for admission. This may include physical or mental conditions of the individuals.

A nonprofit home established and operated for members of a particular group as a membership home may limit admissions to members of an identified group. Membership homes include those operated:

- (a) For members of a fraternal organization,
- (b) For members with prior service in a particular profession or occupation,
- (c) For members of a particular cultural or ethnic group, and
- (d) For a particular organization to serve its needy members.

42711. SERVICES. The agreement must list all of the basic services and items which are to be provided by the home and/or corporation and shall state whether such items will be provided for a designated period of time or for life. It shall clearly specify the services, if any, for which additional charges will be made. A separate statement of all services for which additional charges will be made and the fees for such services shall be given to the resident.

The aged person may wish to initially contract for only one of the minimum services (required as a condition of licensing by one of the licensing agencies) with the possibility of expansion to include any or all other services as needed.

In the event that certain specific services or items normally included in the general description of a service are excluded, such exclusions shall be clearly designated in the agreement, e. g., if ophthalmological or psychiatric services are excluded from the scope of medical services, the agreement shall so specify.

Although the agreement may exclude treatment of medical or surgical conditions which exist at the time the resident is admitted to the home, the home is not precluded from providing it. Since the failure to do so might encourage disability, such a policy would be more expensive to the home in the long run as early treatment and care may prevent expensive custodial care during the resident's remaining years.

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42711 (Continued)

The agreement may stipulate that the home's responsibility for payment of hospital or medical care accrues only after any health insurance under the Social Security Act or any privately owned insurance held by the resident has been applied to the cost of hospital or medical care.

← The following items may be enumerated in the services offered by the home in the agreement:

- (1) A designated unit or living accommodation.
- (2) Provision for three nutritionally well-balanced meals a day showing places or locations where meals will be served.
- (3) Special dietary foods which can be prepared and served by the regular kitchen staff, as authorized by a physician.
- (4) Provision for general cleaning and housekeeping functions.
- (5) Provision for social, recreational, educational, cultural and religious services.
- (6) Assistance or help with personal care such as bathing, dressing, care of the hair, shaving, eating, care of clothing, mending, laundry, personal shopping, transportation, incidental services, etc.
- (7) Bedside care, including tray service, for temporary illnesses.
- (8) Assistance with medication, as needed, which has been authorized by a physician for self-medication and does not require the exercise of professional judgment.
- (9) Utilities, including air-conditioning but excluding telephone service.
- (10) Laundry and linen service (stating number of items and/or frequency).
- (11) Availability of laundry facilities and equipment for personal self-service by residents.
- (12) Garden or yard maintenance.
- (13) Use of all general facilities such as lounge, sunroom, craft rooms, launderette centers, lobby facilities, library and chapel.
- (14) Furnishings, carpeting, drapes and/or stipulation that furnishings by the resident are to be approved by the home.
- (15) Professional nursing services in homes which have nursing sections licensed by the State Department of Public Health.
- (16) Services of a staff physician.
- (17) Medical care services and/or limitations.
- (18) Provision for emergency care by a licensed physician, clinic or hospital in case of accident or injury and whenever resident's physician cannot be reached.
- (19) Upon request of the resident, his or her designated physician will be called (costs to be borne by the resident).

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42713. COMPLIANCE WITH CONTINUING CARE AGREEMENTS. A home which has entered into continuing care agreements must comply with the provisions of each such agreement and must meet the reserve requirements set forth in Section 16304, Welfare and Institutions Code, regardless of whether or not the home holds, or continues to hold, a valid Certificate of Authority from the State Department of Social Welfare. The suspension, revocation or voluntary return of the Certificate of Authority does not release the home from obligations assumed at the time the continuing care agreements were executed.

42715. FEES. The agreement must show all properties transferred and their value at the time of transfer, including but not limited to subscriptions, fees and any other amounts paid or payable by, or on behalf of, the aged person. An itemized receipt is not sufficient unless it is made a part of the agreement.

The agreement should show the amount deposited as the accommodation fee and the amount of any lump-sum care fee and/or the monthly care fee. In addition, the processing fee should also be shown separately. The due date of the monthly fee, if any, is required. The agreement shall specify if payments are to be made in advance.

42717. PROBATIONARY OR TRIAL PERIOD. Every continuing care agreement, except those which provide for the voluntary withdrawal by a resident at any time with provision for a refund in accordance with Section 16308 of the Welfare and Institutions Code, shall include provision for a specified probationary or trial period.

A trial residence period of at least three months, and preferably no longer than six months, shall be provided to allow both the aged person and the home time to evaluate the advisability of permanent residence. The probationary period provides a means of judging the adaptability of the individual to congregate living.

A period of residence in the home for at least three months immediately preceding the signing of the continuing care agreement (i.e., residence as a monthly boarder) meets the requirement for a probationary period. Agreements executed after this three-month trial period of residence must contain a statement that the probationary period was completed prior to the signing of the agreement.

Either party may conclude the arrangement within this period of his own volition without penalty to the aged person. The following provisions apply to the probationary period:

(a) No advance notice of termination is required of the resident. The cancellation or termination notice is required to be in writing if the agreement so stipulates.

(b) The home may specify it will give the resident advance notice of dismissal so as not to cause undue hardship on the aged person.

(c) The resident shall be allowed to withdraw regardless of his or her health status.

(d) The agreement may be canceled at the option of either party, with or without cause.

(e) Refund to the resident shall be in accordance with Section 16308, W&I Code. (See Section 42729)

(f) Penalties, forfeitures, fines or any provision which fixes damages are not permitted.

42719. DISMISSAL AFTER THE PROBATIONARY PERIOD. Dismissal or discharge of the resident after the completion of the probationary or trial period shall be only for good and sufficient cause.

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42721. TERMINATION NOTICE. The length of termination notice to be given, if any, shall be specified in the agreement.

(a) During the Probationary Period. The home should give advance notice of dismissal or discharge to the resident during the probationary period even though either party is allowed to withdraw from the agreement without giving advance notice to the other.

(b) After Termination of the Probationary Period. The agreement shall specify the amount of termination notice required of either party after termination of the probationary period. A minimum notice of at least 30 days shall be required of the home.

42723. REFUND POLICY. The refund policy shall be clearly stated and mutually understood by the contracting parties. The refund policy shall cover the following:

(a) The probationary or trial period,

(b) Dismissal or discharge of the resident by the home after the probationary period, and

(c) Voluntary withdrawal by the resident after the probationary period.

In addition, the agreement shall clearly specify the effective policy upon the death of the resident.

Items (a) and (b) above require a refund in accordance with Section 16308 (W&I Code) unless the home makes a more favorable settlement. In cases of voluntary withdrawal by the resident, item (c), the parties are free to contract as they desire for any refund. There shall be a reasonable amortization period of any prepaid or lump-sum fees, subject to the department's approval. The policy to be adopted is a matter for each home to determine.

In the event two parties have jointly paid either the accommodation fee and/or a lump-sum care fee without segregating any part of said fee, or fees, for any particular person, the agreement should give notice that one-half of the fee, or fees, so paid shall be deemed to be paid on behalf of each resident.

The agreement shall show the conditions under which any accommodation fee or lump-sum care payment will be refunded. A different refund policy may be permitted for use by the home for persons who use funds from the sale of their home for the initial deposit or accommodation fee when acceptance by the home is at reduced monthly rates (i.e., at monthly rates less than those charged other residents).

42725. AMORTIZATION RATE. Factors used in determining a proper rate at which ^{the} accommodation fee and the lump-sum care payment is amortized for purposes of refund to residents who withdraw after the probationary period include: the amount or value of the accommodation fee, the charge for care and services, the per capita cost, the size of the home, the kinds of services offered, and the types or combination of residents (monthly boarders, continuing care, etc.). Since these factors differ for each home, the amortization rate will vary, e.g., higher amortization rates may be permitted if the home charges unusually low accommodation fees in comparison with per capita cost. The rate of amortization shall be subject to approval by the department.

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42727. PAYMENT OF REFUNDS. Refunds shall be made at the time of termination. Because of the problem of support of an aged person and his inability to move freely, refunds should be made as quickly as possible.

(a) Refunds at Termination. Refunds in instances where the resident is dismissed or discharged by the home and for residents who voluntarily withdraw during the probationary period shall be paid at the time of termination. The length of the notice of termination required of residents who withdraw after the probationary period should provide sufficient time to the home so that it can make the refund on the date of termination.

(b) Accommodation Fees Used to Construct Facility. Homes which use accommodation fees to construct their facility may be allowed to delay the full payment of refund for residents who voluntarily withdraw after the completion of their probationary period. The agreement may stipulate that the refund of a member who voluntarily withdraws from the home after the completion of the probationary period is subject to the resale of the vacated accommodations with one-half of the refund to be paid at the time of withdrawal and the remainder to be paid upon the resale of the accommodations or six months after date of termination, whichever is earlier. However, within three years from the date of opening, these facilities shall revise their new agreements to provide for complete refund at date of termination.

42729. REFUNDS UNDER SECTION 16308 (W&I CODE). Refunds in accordance with Section 16308 (W&I Code) shall be made for any resident who voluntarily withdraws during the probationary period, and for any resident who is discharged or dismissed by the home at any time (during or after the probationary period). The resident shall be refunded an amount equal to the difference between all amounts paid in by the resident and the cost of caring for the resident based upon the home's per capita cost. (See Section 42509(c) for per capita cost definition.)

If the home does not normally show depreciation in its financial statements, it may, nevertheless, compute depreciation for purposes of refund under this section. Nothing in these regulations precludes the home from leaving out costs of depreciation, or any other costs, from refund calculations if it so desires.

(a) Cost of Care. The per capita cost for each fiscal year of residence (on a year-to-year basis) shall be used to determine the cost of caring for a particular resident for that year or any portion thereof. Costs for the year of separation shall be based upon the prior year's per capita cost unless the home can establish costs for the period.

For residents purchasing less than the full range of services offered by the home, refunds may be based upon the per capita cost of the agreed-upon services and may exclude any portion of the per capita cost pertaining to services not purchased.

(b) Above-Standard Accommodations. In cases where a consideration greater than the minimum charge has been paid for accommodations which are above-standard, the facility may include an additional amount in the resident's cost of care based upon the ratio of the amount paid to the minimum consideration for standard accommodations times the current per capital cost and applied to the period the aged person was in residence. This additional amount may not be included in the cost of care if:

(1) the resident occupied above-standard accommodations but only paid for standard accommodations, or (2) all accommodations are available at one standard charge even though some accommodations qualify as above-standard.

(c) Other Charges. The home is permitted to retain the processing fee in addition to an amount equal to the cost of caring for the resident as indicated above. If the agreement stipulates, the home is also allowed to retain an amount equal to the cost of repairing the accommodations for damages by the resident which go beyond ordinary wear and tear. Costs of renovating the accommodations for a new occupant because of ordinary wear and tear may not be charged against the resident.

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42731. PAYMENT OF FEES. Agreements which require the payment of a monthly care fee shall clearly stipulate that occupancy and use of the accommodations by the resident is contingent upon the regular payment of the prevailing monthly care fee.

The agreement shall include the regular rate of payment agreed upon (per day, week or month) and a clear statement as to whether payment will be made in advance or after care has been given.

42733. CHANGES OR INCREASES IN FEES. Advance notice of not less than 30 days is required whenever the home changes either the scope or the rates for care and services ^{regardless of} whether the change involves the basic rate or only the services available at additional cost to the resident.

The escalator clause in the agreement, which permits the home to increase the resident's basic monthly care fee, shall include reasonable limitations which will properly safeguard the aged person.

The escalator clause shall specify (1) a maximum increase, or percentage, permitted in any one year, and (2) a maximum increase, or percentage, permitted during the life of the agreement. In addition, for the home whose property is tax exempt, provision may be made that in the event it is required to pay property taxes, or in-lieu taxes, at some future date such additional costs will be charged to the resident on a pro rata basis.

Following is a list of the different basic policies which may be used by the home with regard to changes or increases in the basic monthly care fees. The selected policy should be carefully considered. The facility may change its basic policy by submitting the proposed revision to the department for approval.

- ☒ (a) Fees shall not be subject to change during the lifetime of of the agreement.

NOTE: This type of policy is more likely to be established by homes which require the resident to convey to the home all current and future property, real or personal, owned by the aged person or in which he has any interest. Homes with large endowment funds or trusts are also likely to use this policy.

- ☐ (b) Fees shall not be increased by more than a specified number of dollars in any one year ^{and} not more than a specified number of dollars during the lifetime of the agreement.

NOTE: The specified dollar limitation enables the aged person to properly determine his chances of remaining in the home for his or her lifetime as the dollar limitation must be stipulated in the agreement. The dollar amounts (per month, per year and for the lifetime of the agreement) are subject to the department's approval. The home may use the same dollar limitation for all of their agreements or they may use a sliding scale which will vary for each agreement on the basis of the individual's basic monthly fee.

- ☐ (c) Fees shall not be increased in excess of a specified percentage over the preceding year and not more than a specified percentage during the lifetime of the agreement.

NOTE: A specified percentage limitation enables the aged person to properly compute the dollar increase which will be applicable during his or her lifetime. The percentages (per month, per year and for the lifetime of the agreement) are subject to the department's approval.

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42733 (Continued)

- (d) Fees shall be adjusted in accordance with changes in the home's per capita cost (economic necessity).

NOTE: This type of policy enables the home to adjust care fees on the basis of increases in actual costs of operation. The aged person is assured that rate increases are required by economic necessity. The home shall post the per capita cost at the end of each fiscal year so residents may be aware of the trend or direction of costs which have a direct bearing on their monthly care fees.

The dollar or percentage limitation policies, described in items (b) and (c) above, are to be based upon increases in the per capita cost if the agreement stipulates that increases in monthly care fees will be made on the basis of "economic necessity." The dollar or percentage limitation shall be the effective maximum regardless of how high operational costs may be.

- (e) Fees shall be adjusted in accordance with changes in the Consumer Price Index (cost of living).

NOTE: This type of policy enables the home to adjust care fees on the basis of changes in the cost of living as reflected in the Consumer Price Index for San Francisco, Los Angeles, Statewide or Nationwide. The agreement shall show which index is to be used. The latest Consumer Price Index shall be shown in the agreement. The home will also determine if the fiscal or calendar year index shall be used.

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42735. SUBSIDIZED RESIDENTS. Provision may be made in the agreement for residents who become financially unable to pay for their monthly care fees at some future date. The agreement may stipulate that the resident shall apply for any public assistance or other aid for which eligible; that the home may apply on behalf of the member; or the home may terminate the member's agreement because of his or her refusal to apply for such aid. The home may specify it will accept such aid payment as full payment for the resident's cost of care and in addition, it may specify the amount of income, if any, which may be retained by the resident for incidental and personal expenses. In any case, such provisions as will apply shall be included in the agreement.

The home shall be the final and conclusive determining body of any adjustments to be made or any action to be taken regarding any charitable consideration to be extended to any of its residents.

Since any fees set by the home for a resident who is subsidized in whole or in part by the home are based upon representations made by the resident at the time of application as to his financial position and assets, the agreement should provide for the payment or entitlement of actual costs of care from any property acquired by the resident subsequent to the adjustment or from any property not disclosed by the resident at time of application.

The home may pay the monthly premium of the resident's health insurance coverage under Medicare to insure such payments will be made. The home may receive an assignment from the resident of the right to apply for and to receive said benefits, for and on behalf of the resident. The home may also include a provision to the effect that it shall not be responsible for the costs of furnishing the resident with any services, supplies and medication for which reimbursement is available from any governmental agency.

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42737. CHANGE OF ACCOMMODATIONS. Provision must be made for the transfer of a resident, excepting for temporary illnesses, whenever he or she:

(a) Is not able to leave the room ^{the assistance of another person} ~~without~~ during an emergency (room is not approved for use by a nonambulatory resident by the State Fire Marshal),

(b) Becomes mentally ill,

(c) Requires treatment in the home's infirmary for more efficient care and/or to protect the health of other residents,

(d) Requires treatment in a nursing home or hospital (home has no available facilities), or

(e) Requires treatment for tuberculosis.

The general procedures and conditions under which such transfers are to be made must be clearly stated in the agreement. The agreement shall state the financial adjustment for a resident who permanently moves to an infirmary unit, nursing home or hospital and releases his accommodations.

When the resident recovers and is released from the infirmary unit, nursing home or hospital, if the home has any responsibility to resume care of the person, such conditions of readmission shall be covered in the agreement. If the home accepts no responsibility upon the resident's release, the agreement shall specify a refund provision at the time the resident leaves.

Whenever the home needs to move a resident from one living accommodation to another, he or she shall be entitled to one of equivalent value or to an adjustment of the accommodation fee.

42739. DUAL ACCOMMODATIONS (SURVIVORSHIP PREFERENCE). Where the room or suite is shared, provision for the effect of death or removal of one of the residents must be included in the agreement. Movement to another living unit should be at the discretion of the remaining resident. The agreement shall specify the monthly fee applicable to single occupancy in such a unit if a resident elects to remain. If the survivor transfers, the agreement shall specify how the monthly rate is affected. Regardless of whether the member elects to remain in the unit or decides to take a different unit, the agreement shall specify whether the original accommodation fee, or any part thereof, will be refunded.

42741. BURIAL. The continuing care agreement may include provisions for burial and for final disposal of furnishings and personal possessions. The resident may be required to:

(a) Provide for his or her burial in a will to be executed before completion of the probationary period,

(b) Establish and maintain a trust fund of a specified amount for the payment of funeral and burial expenses,

(c) Leave the arrangements at the discretion of the home, or

(d) Carry funeral insurance.

It is desirable to have both the burial arrangements and the resident's will completed prior to admission. The home may include in the continuing care agreement a maximum amount it will pay for funeral and burial expenses if the resident's estate is not sufficient to defray such costs.

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42743. MEDICAL HISTORY. The home may limit its responsibility for costs associated with the treatment or medication of an ailment or illness existing prior to the date of admission. In such case, the medical or surgical exceptions, as disclosed by the medical entrance examination, shall be listed in the agreement or in the medical report which may be attached and made a part of the agreement.

The home may specify a time limit for which it will not assume responsibility for pre-existing medical or surgical conditions.

42745. CARE AWAY FROM THE PREMISES. Costs of outside medical services may be paid at the discretion of the home and any limitations should be specified in the agreement. The agreement should designate if any support, maintenance, board or lodging is to be supplied to a resident who requires medical attention when he or she is absent from the premises.

If any credit is to be given to a resident who is absent from either the premises or from meals for any period of time, allowances may be made in the agreement. If such credit is to be permitted at the discretion or by special permission of the home, the agreement shall so specify.

42747. SUBORDINATION. The home shall not subordinate the resident's rights to "any" mortgage or deed of trust except with specific approval of the department. If it is necessary to subordinate the resident's rights to a mortgage or deed of trust required to secure property on which the resident will reside or for a construction loan, the specific mortgage or deed of trust and any extensions or renewals thereof for which subordination is requested shall be clearly spelled out in the continuing care agreement.

In the event of liquidation, continuing care agreements shall be deemed a preferred claim against all assets owned by the home and the subordination determines prior claim status. See Section 16305, W&I Code.

42749. PROPRIETARY INTEREST. The continuing care agreement may include a provision indicating the resident's rights under the agreement do not include any proprietary interest in the assets of the home. The resident's interests, in the event of liquidation, are protected by the preferred claim status under Section 16305 of the Welfare and Institutions Code.

42751. OBSERVANCE OF RULES AND REGULATIONS. If the agreement incorporates by reference the home's "Rules and Regulations" as a part of the agreement, a copy of the rules and regulations shall be submitted with the agreement form when it is forwarded to the department for approval.

If the incorporation of the rules and regulations as a part of the agreement is extended to apply to any "reasonable amendments or changes thereto," the home shall forward a copy of the rules and regulations when the first agreement form is submitted for approval but the amendments or changes are not required to be submitted.

Provision whereby the resident agrees to accept responsibility for any guests in the observance of rules and regulations may be included in the agreement.

42753. REPRESENTATIONS. The agreement may provide for the agreement to be voidable at the option of the home if any misrepresentation or material omission has been made by the resident.

42755. ADMISSIONS AND DISMISSALS OF OTHER RESIDENTS. The right of admission, terms of admission or dismissal shall be vested in the home and a resident may not appeal admission, terms of admission or dismissal of any other resident.

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42757. RIGHTS AND PRIVILEGES ARE PERSONAL. Transfer or assignment of the resident's rights and privileges under a continuing care agreement may be restricted because of the personal nature of the agreement by a provision to this effect.

42759. WAIVER OF ONE BREACH NOT A WAIVER OF ANY OTHER. A clause may be inserted to protect the home in case it may wish to waive any of the terms or provisions of the agreement in specific instances where the resident has breached the contract without relinquishment of its right to insist upon strict compliance by the resident with all of the other terms or provisions.

42761. LIABILITY FOR NEGLIGENCE. The agreement may provide for the reimbursement of any loss or damage suffered by the home as the result of carelessness or negligence on the part of the resident, except for any loss or damage for which the home receives insurance.

42763. INJURIES TO THE RESIDENT. The home may not absolve itself from liability for past or future negligence by an agreement to that effect. The agreement may provide that the resident agrees to observe off-limit areas as designated by the home and is prepared to assume responsibility for accidents occurring in such cases.

42765. SUBROGATION RIGHTS. Subrogation rights, if any, of the home against third parties for expenses incurred by reason of injury to a resident shall be clearly defined in the agreement.

In addition, if the home so desires, it may provide for the cancellation of any unpaid charges if it is satisfied that the resident or the resident's legal representative has diligently pursued any claim for compensation due from third parties for injury to the resident and recovery was insufficient to fully compensate the home or that there was no recovery.

42767. PROPERTY OF RESIDENT. The home may protect itself concerning the safeguard of personal articles or property brought to the home by residents or the responsibility for the loss of any property due to theft, fire or other causes, excepting negligence on the part of the home. The home is not permitted to absolve itself from future negligence by a contract to that effect. The agreement shall specify that the resident has the responsibility for providing any desired insurance protection to cover such loss.

Permission to remove personal property from the resident's room after death or permanent transfer to a nursing home or hospital shall be covered in the agreement.

42769. RIGHT OF ENTRY. The home's right of entry into the resident's living accommodations may be specified in the agreement. Entry for emergency purposes may be included in the home's rules and regulations.

42771. APPOINTMENT OF A CONSERVATOR OR GUARDIAN. Provision should be made for the appointment of a conservator or guardian by a court of competent jurisdiction in the event a resident becomes unable to handle his or her personal or financial affairs.

42773. FINANCIAL CONDITION OF THE HOME. The continuing care agreement shall have a copy of the home's latest financial statement attached (figures to coincide with those filed with the department) showing the facts pertinent to the financial condition of the home, or if the financial statement was provided prior to the execution of the agreement, it shall so indicate in the agreement.

42775. RIGHTS AND POWERS TRANSFERRED. Rights and powers of the home under continuing care agreements may be transferred to a successor, subject to the department's approval as required by Section 16315 (W&I Code).

Effective 6/1/69

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Subchapter 3. Financial Requirements

Article 1. General Provisions

42801. BONDING. All personnel of the home who handle funds or property shall be bonded by a primary commercial blanket bond or a blanket position bond in the minimum amount of \$50,000, containing a rider which provides that the coverage of the bond extends to all personnel of the home whether or not compensated by the home.

42803. AUDITS AND INSPECTION. The home's books, records, and facilities shall be available to and open for inspection and/or audit by the department at all reasonable times by any authorized representative of the department.

42805. FINANCIAL STATEMENTS. Financial statements filed in the support of an application for a Certificate of Authority shall be prepared in accordance with generally accepted accounting principles. A corporation or entity which owns and operates a home or facility licensed by an appropriate licensing agency in addition to other operations shall include a consolidated statement of total operations in addition to financial statements for the home or facility which is licensed.

The department reserves the right to reject any financial report and to call for additional information, reports, or to make further investigation or examination as it shall deem proper. The department may require interim financial statements.

Any appraisal, engineering or other such technical report prepared in support of financial statements shall be made by appropriately qualified personnel. All appraisals shall show the basis and method of valuation. The department may require technical reports to be verified and/or certified. The expense of any technical reports or any verifications thereof shall be borne by the applicant.

Organizations or persons who have a Certificate of Authority but do not have any continuing care agreements are required to submit an annual audit report although they are not required to maintain continuing care reserves. The home will be required to return the certificate to the department if the annual audit report is not submitted when it is due.

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(Pursuant to Government Code Section 11380.1)

42807. FINANCIAL PLAN OF OPERATION. The applicant shall submit a financial plan of operation for the department's approval. The plan of operation shall be financially sound and funds shall be sufficient to maintain the standards of service required by licensing regulations. The scope and size of the applicant's services shall be such that an adequate quality of service will be permitted from available funds.

Projected

(a) Five Year/Cash Flow Statement. A five-year cash flow statement shall be included in the plan of projected operation. Estimated receipts and expenditures shall be in accordance with sound budgeting.

(b) Rates and Fees. A schedule of the proposed resident rates and fees shall be submitted with the plan of operation.

(c) Estimated Income and Expenditures. The statement of estimated income and expenditures for the first year of operation shall be prepared on a monthly basis and shall clearly show the amounts and sources of all income and the nature and amount of all expenditures. Staff services shall be divided into general functional classifications, such as executive and administrative, medical and nursing, food services, recreation, housekeeping and maintenance, and grounds and gardens. The estimates shall include sufficient staff for vacations and regular time off replacements for all employees.

(d) Mortgage. If the property is mortgaged, a copy of the mortgage shall be submitted with the plan of operation. If property is to be leased, the proposed lease agreement shall be submitted for the department's approval. If the applicant has a loan commitment for financing its mortgage, a copy of the commitment shall be submitted.

(e) Audited Financial Statements. A copy of audited financial statements shall be submitted with the plan of operation. The department may accept an interim statement in lieu of the audited statements if sufficient proof of ownership is provided by the applicant.

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 (Pursuant to Government Code Section 11360.1)

Article 2. Continuing Care Reserves

42821. STATUTORY RESERVE REQUIREMENTS. Any organization or person which enters into continuing care agreements under the authorization of a Certificate of Authority is required to maintain adequate continuing care reserves in accordance with Section 16304 (W&I Code) to cover the obligations assumed under executed continuing care agreements.

Even if the certificate is suspended, revoked or voluntarily returned by the home, continuing care reserves are still required for any remaining continuing care residents. To protect the remaining continuing care residents, the home shall (a) post a performance bond under Section 16302 (W&I Code), (b) place funds in trust on behalf of the residents, or (c) file a notice of lien on the home's property in favor of the department.

42823. ANNUAL AUDIT REPORT AND SUPPLEMENTAL INFORMATION. Certificate holders shall submit an annual report (in duplicate) to the department (Fiscal Division) which shall include the following parts:

- (a) A balance sheet
- (b) A statement of income and expense
- (c) The auditor's opinion on the financial statements
- (d) The auditor's opinion (certification) on continuing care reserves
- (e) A statement on per capita cost
- (f) A statement of continuing care reserves
- (g) A statement (evaluation) of assets available for continuing care reserves
- (h) A schedule of resident changes
- (i) A list of current members on the Board of Directors and/or Trustees and their addresses.

42825. ANNUAL AUDIT REPORT REQUIRED. Any organization or person which has a Certificate of Authority shall have an annual audit made of its financial statements by a Certified Public Accountant or a Public Accountant. The auditor shall render an opinion on the financial statements. Notes to financial statements, if required, shall be included.

Two copies of the audit report shall be mailed to the department not later than four months after the close of the home's fiscal year.

Homes which have a certificate but do not have any continuing care residents are required to submit an annual audit report which shall include the auditor's opinion, although continuing care reserves are not required.

Homes which have had their certificates suspended or revoked and were required to set up a trust fund for remaining continuing care residents or have a lien on their property (placed on behalf of the remaining continuing care residents) are not required to file an annual audit report.

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 (Pursuant to Government Code Section 11380.1)

42827. INTERIM REPORT. For a new home an interim six-months' report is required. The interim report need not be formally certified. Normally, a progress report such as is presented to the Board of Directors and/or Trustees is sufficient.

42829. OPINION ON CONTINUING CARE RESERVES. The supplemental report shall include an opinion (certification) by the auditor that the statement of continuing care reserves has been prepared in accordance with the regulations. It shall also state whether the home has sufficient reserves and if not, the amount of any deficiency with regard to total continuing care reserves and/or liquid reserves.

In order to determine if the home's overall financial planning is on a sound basis, the statement on reserves shall also indicate if the home has sufficient reserves for its commitments to all of its residents by including reserves for persons not required to be included by these regulations. See Section 42865, Statement of Reserves.

The home shall maintain the records upon which the continuing care reserves are based. Test checks of these records by the auditor may be sufficient for him to render an opinion on their accuracy.

42831. STATEMENT ON PER CAPITA COST. Computations shall be made in accordance with procedures outlined in Section 42509.

42833. COMPUTATION OF CONTINUING CARE RESERVES. Continuing care reserves are based upon the home's per capita cost of caring for the resident for the remainder of his or her life.

If the resident paid less than the cost of his or her care, the home will be required to subsidize the resident from other sources of income or by increasing its schedule of care fees.

Continuing care reserves are computed in two ways depending upon whether the continuing care resident makes a prepayment for all charges (accommodation fee plus the lump-sum care fee) or if the resident is committed to the payment of a monthly care fee in addition to the prepaid accommodation fee.

(a) Prepayment. Continuing care reserves for the totally prepaid residents are determined by multiplying the annual (fiscal year) per capita cost by the sum total of the annuity factors for all prepaid continuing care residents. In lieu of adding the annuity factors for each individual, the annuity factor based on the average age for men plus the annuity factor based on the average age for women may each be multiplied by the total persons in each group and then multiplied by the per capita cost. See Section 42509(d), for computation of the per capita cost.

(b) Monthly Care Fee. Computation of reserves for residents who pay a monthly care fee require that the per capita cost be reduced by the annual payment (monthly care fees) made by continuing care residents. The remainder is multiplied by the sum total of the annuity factors for each group of continuing care residents who pay the same annual payment.

If the monthly care fees equal or exceed the per capita cost, continuing care reserves would not be required. The excess may be used to offset reserves required for other continuing care residents. The latest announced monthly care fee shall be used.

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42833 (Continued)

(c) Subsidies. Reserves for residents who are subsidized, whether individually or on behalf of all residents in general, may be reduced by the amount of contributions, donations or endowments which the home was able to use for operational expenditures during the fiscal year. The donated amount is deducted from the operating costs before the per capita cost is determined. (See Section 42509 (d).) Contributions which are restricted for capital outlay or are carried over to the next fiscal year may not be deducted in the current fiscal year.

(d) Average Age. The average age for the group making the same (dollar amount) monthly payment may be used if the group is large enough to warrant saving time by use of this short-cut method.

(e) Reduced Reserves. Reserves shall be reduced for continuing care residents purchasing less than the full range of services offered by the home. The reserves shall be based upon the per capita cost of the agreed-upon services.

42835. TABLE OF MORTALITY. All continuing care agreements entered into on or after January 1, 1958, shall be subject to the 1937 Standard Annuity Table set back one year for males and six years for females. An interest assumption of not more than 3 percent per annum may be permitted for homes which have been in operation for at least three complete fiscal years and which are earning a net rate of return of at least 3 percent per annum on the required reserves. Higher interest rates of up to 5 percent may be authorized for homes which earn a higher net rate of return. Homes in operation less than three complete fiscal years or earning less than 3 percent shall use annuities without any adjustment for interest.

McClintock's Table of Mortality with interest at $2\frac{1}{2}$ percent per annum may be employed in connection with care agreements entered into prior to January 1, 1958, in lieu of the 1937 Standard Annuity Table.

When selecting the proper annuity factor, use the resident's age, as of the last day of the fiscal year, to the nearest six months.

42837. RESERVES NOT REQUIRED.

(a) Probationary Periods. Continuing care reserves are not required for residents who are serving probationary periods (usually from three to six months) since the home or the resident may cancel the agreement during this period. The reserve is established after the period of probation has elapsed.

(b) Continuing Care. Reserves are not required for residents who are not defined as "continuing care" under this chapter.

(c) Transferred Residents. Reserves are not required for a former continuing care resident if the person has been transferred to another facility, provided the home is not obligated to continue to pay for the person's care. Monthly care fees paid to the home by a (former) resident when the money in turn is relayed to another facility does not constitute payment by the home and reserves are not required.

(d) Public Assistance and Medi-Cal Residents. Residents for whom payments are being received under the Medi-Cal program and those who are recipients of public assistance aid grants do not require reserves after the accommodation fee has been amortized under the provisions of their continuing care agreements.

(e) Older Persons. Reserves are not required for residents who are 100 years of age or older.

(f) Homes Not Subject to Certification until October 1, 1967. Organizations or persons who were not required to obtain a Certificate of Authority prior to October 1, 1957, who furnish care exclusively under agreements which may be canceled by either party without cause, are not required to maintain reserves for residents who entered prior to October 1, 1957, under such agreements. Only a few such agreements are still in effect.

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CONTINUATION SHEET
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42839. EVALUATION OF ASSETS AVAILABLE FOR RESERVES. Continuing care reserves are assets owned by the home as of the end of the fiscal year evaluated in accordance with the provisions of Section 16304, W&I Code.

Detailed figures shall be presented in the supplemental report to the department to indicate how the continuing care reserves were computed and the steps used in evaluating assets. Liquid reserves shall be evaluated first. The evaluation shall indicate the amount of the total and liquid reserves which are above or below minimum requirements.

42841. LIQUID ASSETS. At least 25 percent of the continuing care reserves must consist of liquid assets. Items which can be applied against the liquid reserve requirement are set forth in Sections 42843, Cash on Hand; 42845, Cash in Banks; 42847, Building & Loan Certificates; and 42849, Securities.

42843. CASH ON HAND. Cash on hand and petty cash funds may be included in the liquid reserves without limit unless there is a restriction on the use of these funds and they are not available for operating expenditures.

42845. CASH IN BANKS. Deposits in commercial and/or savings accounts with banks may be included in the liquid reserves to the extent that such deposits are insured by the Federal Deposit Insurance Corporation. Branch banks are not considered separate banks.

A trustee account in the name of the home, for more than one resident, may be insured by the FDIC to the maximum insurable amount for each resident providing the name and interest of each person is shown on the home's records and such records have been maintained in good faith and in the regular course of business. The portion of the accommodation^{fee} which is refundable to the resident "constitutes" insurable trust funds. If no continuing care member has an insurable interest in excess of the FDIC insurable maximum, there is complete insurance coverage and the full amount of the trustee account may be included in the reserves.

42847. BUILDING AND LOAN CERTIFICATES. Investments in certificates issued by building and loan associations which are members of the Federal Savings and Loan Insurance Corporation may be included in the liquid reserves to the extent that such certificates are insured by the FSLIC.

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42849. SECURITIES.

(a) Cash in Banks or Savings and Loan Associations. Deposits in commercial and/or savings and loan associations in excess of the amounts insured by the FDIC may be included in the reserves for organizations which are rated "excellent" by Standard and Poor's (or any national rating agency). Also see Section 42845.

(b) Liquid Money Securities. Highly liquid money securities, such as United States Treasury Bills, prime banker's acceptances, negotiable time certificates of deposit and short-term tax exempt notes may be included in the liquid reserves.

(c) Stocks. Stocks rated "excellent" by Standard and Poor's, or any national rating agency, may be included in the reserves in addition to those individually approved by the department. Mutual funds which meet the requirements of Section 16304.8 (W&I Code) must have the individual approval of the department before they are acceptable as proper reserves.

(d) Bonds. Any bonds rated "excellent" by Moody's, or any national rating agency, may be included in the reserves in addition to those individually approved by the department. Bonds, debentures and equipment trust certificates certified by the State Superintendent of Banks for legal investment by California savings banks may also be included in the reserves. Bonds which are legal investments for California savings banks under Sections 1354 to 1366, inclusive, of the Financial Code may also be permitted.

(e) Life Insurance Policies. Assignment of life insurance policies (by residents) to the home permits the home to include the cash surrender value of such policies as securities of the home.

(f) Approved Securities. The supplemental report shall include a list of the securities, showing their market values and the basis for inclusion in the reserves, i.e., on SDSW's approved list, rating by Standard and Poor's, rating by Moody's, or certified for use by California savings banks. The audit report balance sheet notes shall disclose market values of securities held by the home.

The home is not restricted to the purchase of securities approved by the department but only approved securities will be recognized in the computation of continuing care reserves. Risk securities may not be retained by the home if there is the possibility that continuing care reserves may be adversely affected by such retention.

(g) Sinking Funds. A sinking fund comprised of liquid assets may be included in the liquid reserves. If the sinking fund is a replacement fund subject to disbursements during the succeeding year for such items as the payment of principal and interest on mortgage or for operations, the fund may be included in the liquid reserves providing it is a liquid asset.

(h) Replacement Funds. Replacement funds which may only be used for capital improvements or repairs may not be included in liquid reserves. Replacement funds which may be used for operational costs or payments on mortgages or loans (or interest thereon) may be included in the liquid reserves.

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42851. TOTAL RESERVES. Items which can be applied against the total reserve requirement are set forth in Sections 42853, Notes Receivable (Secured); 42855, Investments; and 42857, Home Property.

42853. NOTES RECEIVABLE (SECURED). Notes receivable secured by first deeds of trust and/or first mortgages may be included in the continuing care reserves if properly identified as being secured by firsts.

42855. INVESTMENTS. Real estate, or equities therein, held by the home for investment purposes can be included in the continuing care reserves. Reserves shall include book value based upon cost less depreciation unless two appraisals are submitted for approval by the department, in which case, the average appraisal value shall be permitted. Depreciation on appraisal values shall be properly charged. Any encumbrances standing against the investment property shall be deducted from the net book value or from the average appraisal value less depreciation before investments are included in the reserves.

Investments owned by the home and located outside the State of California may be included in the reserves. Any property not used to care or house the residents is normally classified as investment property.

42857. HOME PROPERTY.

(a) Net Value. The net value of real estate, furniture and equipment used to provide care and housing for residents of the home are included in the reserves at a declining percentage in accordance with the following table. Newly purchased property or new construction is subject to the same valuation percentages for the particular fiscal year.

(b) Valuation Percentages.
(Sections 16304.5 and 16304.6 of the W&I Code):

Fiscal year Ending in:	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76
Real Estate % =	60	58	56	54	52	50	48	46	44	42	40	38	36	34	32	30	28	26	25	→
Furniture & Equipment % =	50	48	46	44	42	40	38	36	34	32	30	28	26	25	→					

Fiscal years which end in January, February or March may use the previous year's valuation percentage.

(c) Book Value. Book value based upon cost less depreciation shall be used when applying the appropriate valuation percentage unless the home submits two appraisals for approval by the department; in which case, the average appraisal value less any depreciation shall be permitted. All encumbrances (notes payable, trust deed payable or chattel mortgages) must first be deducted from the net book value or from the net appraisal value before the valuation percentage is applied. Include both secured and unsecured encumbrances. Liens required under Section 16301, W&I Code, shall not be deducted from the value of real or personal property in computing the reserves.

(d) Appraisals. Appraisals prepared by county assessors are acceptable by the department in addition to appraisals made by certified appraisal firms (real estate firms, etc.), Federal Housing Authority appraisals and appraisals prepared by persons holding MAI certificates (Master of Appraisal Institute).

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42859. OFFSETS AGAINST RESERVES. Replacement funds required by such lending agencies as the Federal Housing Authority for capital improvements and repairs may be included in the total reserves by offsetting the funds against the note or mortgage payable.

Deposits made by aged persons who have indicated their intent to establish residence at some future date represent liabilities and shall be offset against liquid assets described above, if there are any, otherwise against any other assets described above.

Deposits which represent funds turned over to the home by residents for safekeeping without relinquishing control thereof shall be offset against liquid assets described above, if there are any, otherwise against any other assets described above.

42861. DEPRECIATION. Depreciation shall be computed on building, building improvements, furnishings and equipment even though the home does not normally show depreciation in its financial statements because of its nonprofit nature. Computations shall use the straight-line method using historical costs except that if appraisal valuations are used, depreciation must be taken on the total appraisal value.

42863. SCHEDULE OF RESIDENT CHANGES. A complete roster of continuing care residents is required in the initial report submitted by a certificate holder, including informational detail. Subsequent annual reports shall include only the additions and deletions for the fiscal year. The report shall include the following:

(a) Number of Residents. The number (amount) of residents in the home at the beginning of the fiscal year, the number added, the number deleted and the number remaining at the end of the fiscal year. Show numbers separately for continuing care and for "others."

(b) Additions. A list of additions during the fiscal year for continuing care residents only, as follows:

- (1) Name of resident
- (2) Date of admission
- (3) Amounts paid for accommodation fee, continuing care prepayment and monthly care fee, if any
- (4) Birth date
- (5) Sex
- (6) Age at end of fiscal year
- (7) Annuity factor

If available, information as to which residents receive OAS grants or Medi-Cal benefits shall be supplied.

(c) Deletions. A list of deletions during the fiscal year for continuing care residents only, as follows:

- (1) Name of resident
- (2) Reason for leaving (withdrawal, dismissal or death)
- (3) Amount of refund, if any
- (4) Date of occurrence

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42865. STATEMENT OF RESERVES. The auditor's statement on reserves shall consist of a dual summary of reserves: (1) statutory requirements in accordance with Section 16304 (W&I Code) and (2) requirements in accordance with sound financial planning on an overall basis which includes residents who (a) are serving probationary periods, (b) entered prior to October 1, 1957, and for whom statutory reserves are not required, (c) are subsidized by the home, in part or in whole, and (d) are recipients of OAS or Medi-Cal for whom reserves are not required after the accommodation^{fee} has been fully amortized.

In lieu of providing the two computations of reserves, the auditor may elect to provide only the statement of reserves based upon sound financial planning (Item 2 above) which is also used for balance sheet purposes.

42867. BONDING. Verification of the appropriate bond required of the home shall be included in the annual audit report showing the type and amount of the bond in addition to the name and address of the bonding agency. See Section 42801.

42869. CURRENT LIST OF BOARD MEMBERS. The supplemental report shall include a list of current members on the Board of Directors and/or Trustees and their home and/or official addresses.

These regulations do not contain any building standards.

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(Pursuant to Government Code Section 11180.1)

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Office of Administrative Procedure

ENDORSED

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Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

STATE DEPARTMENT OF SOCIAL WELFARE

(Agency)

Dated: April 28, 1969

By:

John C. R. L.

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

APR 30 1969

At 3:20 o'clock P.M.

FRANK M. JORDAN, Secretary of State

By *W. P. L.*
Assistant Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

10-306 RIGHT OF FAIR HEARING

10-306

.1 Fair Hearing Requirements in Relation to Services

The county welfare department shall assure the right to request a fair hearing to any applicant or recipient who is dissatisfied with the decision made by staff of the county welfare department, or by an agency or individual providing a social service under contract with the county welfare department, with respect to services (SDSW Regulations, Chapter 22-000 et. seq.), including all aspects of the required and recommended social services programs identified in 10-051 and 10-053.

.2 Responsibility for Explaining Fair Hearing Provisions

The right of fair hearing in relation to services, including the required and recommended social service programs, shall be explained to all applicants for or recipients of such services at the time of initial contact with the social services worker. Social service workers shall offer the opportunity for the applicant or recipient to complete a fair hearing request in relation to social services whenever the desire to do so is indicated.

(See SDSW Regulations, Chapter 22-000 et. seq.)

10-307 COMPLAINTS

10-307

The county welfare department shall make provision for the review and evaluation of complaints about the delivery of services, including the required and recommended services programs, expressed by applicants or recipients who are dissatisfied with treatment received in relation to such services.

(See SDSW Regulations, Chapter 22-102.)

Effective 6/1/69

These regulations do not contain any building standards.

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14-320

SOCIAL SERVICE WORKERS INDUCTION TRAINING

14-320

Each social service worker Grades I, II, III or equivalent Civil Service level, assigned to public assistance programs (OAS, AB, ATD, AFDC, MN), shall receive a minimum of 160 hours, or four full weeks of induction training, if he is no longer entitled to reinstatement privileges to his former position or has not previously had four weeks of induction training in a California public welfare department. This training shall be provided and completed during the first four months of the worker's employment. The training provided shall be in accordance with standards and guides developed by the State Department of Social Welfare. (See Handbook Sections 14-350 through 14-383.)

14-325 **ELIGIBILITY WORKERS INDUCTION TRAINING**

14-325

Each new employee in the Merit System Eligibility Worker Grades I or II or equivalent Civil Service level, assigned to the public assistance programs, shall receive a minimum of 80 hours, or two weeks, of induction training during the first two months of his employment if he is no longer entitled to reinstatement privileges to his former position or has not previously had two weeks of induction training in a California public welfare department. The training provided shall be in accordance with standards and guides developed by the State Department of Social Welfare.

14-620 **APPROVAL OF COUNTY WELFARE DEPARTMENT ORIENTATION-INDUCTION TRAINING PROGRAMS**

14-620

Each county welfare department shall submit to the State Department of Social Welfare the county's projected plan for orientation and induction training of newly employed supervisors, social service workers, eligibility workers, welfare service aides, and other nonprofessional, technical and clerical personnel employed in the administration of the public social service programs. The plan shall specify, by classification of staff, the content of training, the duration of the training, and the qualification of instructors or leaders conducting the training.

Effective 6/1/69

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(Pursuant to Government Code Section 11380.1)

The following regulations are repealed effective 6/1/69:

14-330 Approval of County Welfare Department Orientation-Induction
Training Programs

These regulations do not contain any building standards.

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Office of Administrative Procedure

Copy below is hereby certified to be a true
and correct copy of regulations adopted, or
amended, or an order of repeal by:

STATE DEPARTMENT OF SOCIAL WELFARE

(Agency)

Dated: April 28, 1969

By: John C. Smith

Director

(Title)

FILED

in the office of the Secretary of State
of the State of California

APR 30 1969

At 3:20 o'clock P.M.

FRANK M. JORDAN, Secretary of State

By: [Signature]
Assistant Secretary of State

DO NOT WRITE IN THIS SPACE

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

AB 44-205 STANDARD OF ASSISTANCE

ATD

OAS

AFDC

The standard of assistance is used to identify persons in need and the money amounts necessary to meet such need.

AB

OAS

ATD

.1 Cost of Living Adjustments - Adult Programs

The standard of assistance is adjusted on December 1 of each year to reflect changes in the cost of living as provided by statute.

Effective 6/1/69

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

44-207 MINIMUM NEEDS OF RECIPIENT IN INDEPENDENT LIVING ARRANGEMENT - 44-207
OWN HOME (Continued)

AB .1 NEEDS CHART - RECIPIENT LIVING IN HIS OWN HOME
ATD
OAS .11 Recipient Lives Alone

Item	Allowances by program		
	AB	ATD	OAS
Minimum needs common to every adult aid recipient	\$ 91.50	\$ 91.50	\$ 91.50
Minimum needs related to age, blindness or disability	22.00	5.00	11.00
Minimum housing need	30.00	--	21.00
TOTAL	\$ 143.50	\$ 96.50	\$123.50
Housing allowance beyond minimum (Allowed if paid by recipient). . . .	\$ 0 - 33.00	\$ 0 - 63.00	\$ 0 - 42.00
Minimum and maximum ^{1/} need amounts	\$143.50-176.50	\$ 96.50-159.50	\$123.50-165.50

.12 Recipient in Shared Living Arrangement

Item	Allowances by program		
	AB	ATD	OAS
Minimum needs common to every adult aid recipient	\$ 91.50	\$ 91.50	\$ 91.50
Minimum need related to age, blindness or disability	22.00	--	11.00
Minimum housing need	30.00	--	21.00
TOTAL	\$143.50	\$ 91.50	\$123.50
Housing allowance beyond minimum (Allowed if paid by recipient). . . .	\$ 0 - 15.00	\$ 0 - 45.00	\$ 0 - 24.00
Minimum and maximum ^{1/} need amounts	\$143.50-158.50	\$ 91.50-136.50	\$123.50-147.50

^{1/} For exceptions, see Section.21, below.

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

44-208 MINIMUM NEEDS OF RECIPIENT IN INDEPENDENT LIVING ARRANGEMENT -
BOARD AND ROOM

44-208

AB
ATD
OAS

.1 Needs Chart - Recipient Living in Board and Room Arrangement

Item	Allowances by program		
	AB	ATD	OAS
Minimum needs common to every adult aid recipient	\$ 54.50	\$ 54.50	\$ 54.50
Minimum needs related to age, blindness or disability	13.00	--	4.00
Minimum board and room	76.00	--	65.00
TOTAL	\$143.50	\$ 54.50	\$123.50
Board and room allowance beyond minimum (Allowed if paid by recipient).	\$ 0 - 26.00	\$ 0 - 87.00	\$ 0 - 37.00
Minimum and maximum ^{1/} need amounts . .	\$143.50 - 169.50	\$54.50 - 141.50	\$123.50 - 160.50

^{1/} See exception in .2, below.

Effective 6/1/69

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CONTINUATION SHEET
**FILING ADMINISTRATIVE REGULATION
 WITH THE SECRETARY OF STATE**
 (Pursuant to Government Code Section 11380.1)

44-235 SPECIAL NEED FOR FOOD

44-235

AB Special need for food shall be allowed under specified conditions for (1) the
ATD
OAS recipient who must eat all or some of his meals in restaurants or purchase his
meals through a "meals on wheels" project, or (2) the recipient who requires a
 special diet.

.1 Restaurant Meals

When circumstances require that the recipient eat all of his meals in
 restaurants or have them delivered to him through a "meals on wheels" project,
 an additional \$31 monthly shall be allowed. When he eats some but not all of
 his meals in this manner, a lesser amount shall be allowed depending on
 individual circumstances. (See Section 44-208.2 for Recipient Living in
 Board and Room Arrangement.)

AB .2 Special Diets
OAS

.21 When a doctor or other practitioner recommends one or a combination of the
following special diets for the recipient living in his own home:

.211 Diabetic

.212 High Caloric-High Protein

.213 Bland

.214 Low Fat-Low Cholesterol

.215 Low or Very Low Sodium
(Na 0.5 to 3.0 gm.)

.22 Special need of \$9 a month shall be allowed subject to the following
limitations:

.221 Time Limitations on Continuation of Diet

Allowance for a special diet may continue for no more than one year
unless continuation is recommended by a doctor or other practitioner.

.222 Consultation with County Medical Consultant

Final determination as to need for a special diet may be based on
consultation with the county medical consultant.

.223 Recommended Diet not Identified in Regulation

If the recommended diet is one not specifically identified in the
regulation no special need shall be allowed.

.224 Recipient Who Requires Special Diet Eats Meals in Restaurants

When a recipient who requires a special diet takes his meals in
restaurants and special need allowance shall be included in his
grant for that purpose, it is presumed he may order, at no extra
cost, the items on the menu which meet his dietary need. Thus,
no additional allowance shall be made for the special diet nor
is the allowance for restaurant meals increased.

Effective 6/1/69

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CONTINUATION SHEET
**FOR FILING ADMINISTRATIVE REGULATIONS
 WITH THE SECRETARY OF STATE**
 (Pursuant to Government Code Section 11380.1)

44-115 EVALUATION OF INCOME IN KIND

44-115

AB
 APSB
 ATD
 OAS

When a need item is earned or is contributed in kind, the income value placed upon such earnings, contributions, etc., is the amount included for the item in the standard of assistance for the aid programs involved (see Determination of Need Chapter), subject to the following limitations:

1. Food, Clothing and Transportation (Recipient in Independent Living)

The value placed on these items when earned in full or when contributed in kind shall be food \$43; clothing \$12; transportation \$6 for an ATD recipient, \$8 for an OAS recipient and \$12 for an AB recipient and a companion.

AB
 APSB
 OAS

2. Rent

The value placed upon rent which is contributed in kind is dependent upon the adequacy of the housing, i.e., standard, intermediate or substandard.

21. Standard housing is a dwelling or a room which meets standards of health, safety and decency and provides privacy, sanitary facilities and comfort. Standard housing, contributed in kind, is valued at \$15 a month in OAS and \$23.20 a month in AB and APSB.

22. Intermediate housing is a dwelling or a room which does not have adequate provision for privacy and comfort but which provides minimum sanitary facilities and safety. Intermediate housing, contributed in kind, is valued at \$10 a month in OAS and \$15.50 a month in AB and APSB.

23. Substandard housing is a dwelling or a room which does not have adequate sanitary facilities nor provide for privacy, comfort and safety. Substandard housing, contributed in kind, is valued at \$5 a month in OAS and \$7.75 in AB and APSB.

A makeshift shelter such as a dugout, cave or tent shall be valued at no more than \$3.

AB
 APSB
 OAS

3. Utilities

When all necessary utility items are contributed, the income value is \$6 a month in OAS and \$6.80 in AB and APSB. If less than all utility items are contributed, the proportionate share of these figures reasonably applicable to the contributed items, is used.

ATD

4. Both Housing and Utilities Contributed

If both housing and utilities are contributed, the item is not considered in computing need and no income is shown.

5. Either Housing or Utilities Contributed

If either housing or utilities (or parts of these) is contributed, only that portion of housing and utilities within the standard which is not contributed is allowed as need. No income is shown.

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Effective 6/1/69

CONTINUATION SHEET
**FOR FILING ADMINISTRATIVE REGULATIONS
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 (Pursuant to Government Code Section 11380.1)

44-115 EVALUATION OF INCOME IN KIND (Continued)

44-115

AB
 APSB
 ATD
 OAS

.6 A regular, recurring, cash contribution to the recipient, or payment to another person on the recipient's behalf, for an item either within or outside the assistance standard is not considered income "in kind." Such cash contribution is usually considered as income to the recipient in the total amount of the contribution or payment.

.61 Voluntary contributions, etc., to or on behalf of a recipient, for a need or service designated by the department and not covered by the assistance allowance, are not considered income. (See Section 44-111.42.)

(See Regulation 41-309 re treatment of nonrecurring gifts as personal property rather than income.)

AFDC .7 Item of Need Contributed

.71 When an entire item of need in the Itemized Cost Schedule is received free as a contribution and not as result of service performed, the monetary value of the item as shown in the Cost Schedule is net income. Partially free or shared living costs do not represent income.

.72 When a child lives with a nonneedy relative, the amount by which the relative is able and willing to meet the child's total need is net income.

AB
 APSB
 ATD
 OAS
 AFDC

.8 Free Board and Lodging Received During Temporary Absence from Home

.81 Absence One Month or Less

The value of free board and lodging received by a recipient during a temporary absence from his home of not more than one month shall be considered inconsequential. (See Regulations 44-101 and 44-111.44.)

.82 Absence Exceeds One Month

After an absence of one month free board and lodging, i.e., food, shelter and utilities, shall be considered income but only to the extent that continuing allowances in the grant for these items exceed the cost to the recipient of maintaining the home to which he expects to return. (W&IC 11009.1.)

.83 Definition of "One Month"

For purposes of this section one month is considered to be 30 calendar days, starting with the first full day of absence from the home.

These regulations do not contain any building standards.

Effective 6/1/69

FACE SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

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MAY 29 1969

Office of Administrative Procedure

ENDORSED

APPROVED FOR FILING
(GOV. CODE 11380.1)

MAY 29 1969

Office of Administrative Procedure

Copy below is hereby certified to be a true
and correct copy of regulations adopted, or
amended, or an order of repeal by:

STATE DEPARTMENT OF SOCIAL WELFARE

(Agency)

Dated: May 28, 1969

By: 

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

MAY 29 1969

At 12:30 o'clock P.M. 69

FRANK M. JORDAN, Secretary of State

By: 
Assistant Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

40348 Protection of Estates and Income

No licensee or employee of a Boarding Home for the Aged shall accept appointment as guardian, or conservator, of the estate of any resident of the home, or become substitute payee for any payments made to any resident of the home.

42070 Protection of Estates and Income

No licensee or employee of an institution for Aging Persons shall accept appointment as guardian, or conservator, of the estate of any resident of the home, or become substitute payee for any payments made to any resident of the home.

Effective 7/1/69

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FACE SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

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MAY 29 1969
Office of Administrative Procedure

ENDORSED
APPROVED FOR FILING
(GOV. CODE 11380.1)
MAY 29 1969

Office of Administrative Procedure

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Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

STATE DEPARTMENT OF SOCIAL WELFARE
(Agency)
Dated: June 28, 1969
By: *[Signature]*
Director
(Title)

FILED
In the office of the Secretary of State
of the State of California

MAY 29 1969
At 12:37 o'clock P.M.
FRANK M. JORDAN, Secretary of State
By: *[Signature]*
Assistant Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

41-313. PROPERTY ITEMS TO BE EXCLUDED IN EVALUATING PROPERTY WHICH MAY BE RETAINED

41-313

AB
APSB
ATD
OAS

.1 Real Property to Be Excluded

- .11 The following are to be excluded in evaluating real property:
- .111 The applicant's home.
 - .112 Real property owned by minor children of the applicant or recipient.
 - .113 Any property right which is not available for the applicant's use or expenditure or which is essential to land use.
 - .114 Separate property of a spouse.

44-111. PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION AS INCOME (Continued)

44-111

.2 Exemption of Earned Income - General

ATD
OAS

- .21 The first \$20, plus one-half of the next \$60 a month, of earned income is exempt from consideration in determining the amount of the OAS or ATD payment. (See Section 44-101.5 for definition of "earned income." See Section 44-113.211c for the procedure to determine exempt and non-exempt earned income.)

AB

- .22 In addition to the exemption specified in Section .1 above, the first \$85 a month, plus one-half of any earned income in excess of \$85 a month, is exempt from consideration in determining the amount of the AB payment. (See Section 44-101.5 for definition of "earned income." See Section 44-113.211c for the procedure to determine exempt and nonexempt earned income.)

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Effective 7/1/69

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
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44-111 PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION AS INCOME
(Continued)

44-111

AB
ATD
OAS

.32 Manpower Development and Training

Payments not to exceed \$20 per week under the Manpower Development and Training Act to a recipient of aid as training incentive payments, and additional expense allowance payable under the Manpower Development and Training Act to defray expenses attributable to training, are exempt.

Interpretation - It is important to distinguish between (a) incentive payments and (b) salary payments to the individual who has a regular job, but is receiving on-the-job training. The Manpower Development and Training Act provides some on-the-job training for individuals who have a regular job. The income exemption provided in this section for incentive payments is not applicable to salary payments even though the job has a training element. Such salary payments are treated as any other earned income of the recipient. (See Sections 44-111.2 and 44-113.211 c.)

AB

.33 Payments to Cherokee Indians

Per capita payments made to Cherokee Indians under Section 6 of Public Law 87-775 are exempt from consideration as either income or resources of the AB recipient or of any other individual.

Effective 7/1/69

CONTINUATION SHEET
 FOR FILING ADMINISTRATIVE REGULATIONS
 WITH THE SECRETARY OF STATE
 (Pursuant to Government Code Section 11380.1)

44-113 NET INCOME (Continued)

44-113

AB
 APSB
 ATD
 OAS
 AFDC

.2 Earnings

Net income from earnings is that which remains after subtracting all required deductions and expenses incurred in the securing and retention of employment and all required exemptions or exclusions. The appropriate method of determining net income shall be selected from those set forth below and the steps followed in the sequence indicated.

AB
 APSB
 ATD
 OAS

.21 Earnings of Recipient.211 Received Monthly or on Basis other than Recurring Lump Sum

When earned income of a recipient is received on a monthly basis or on a basis other than as recurring lump sum payments (see Section .212 below) the amount of such income which is non-exempt is computed as follows:

(This applies to such earnings in excess of \$20 a month in OAS and ATD, \$85 a month in AB, and \$1,500 a year in APSB.)

- a. Determine gross income from earnings.
- b. Deduct from such gross income all nonpersonal work expenses such as the cost of tools, materials, special uniforms or other clothing necessary for the job, business expenses or transportation to call on customers.
- c. Deduct the exempt income, i.e., in OAS and ATD the first \$20 of the amount determined in Item b plus one-half of the next \$60; in AB the first \$85 of the amount determined in Item b plus one-half of any amount in excess of \$85; in APSB the first \$1,500 per year plus one-half of any amount in excess of \$1,500.
- d. Deduct personal work expenses such as income withholding taxes, social security taxes, cost of lunches or other meals purchased away from home, transportation to and from the job, laundry and cleaning service necessary for the retention of employment, union dues, etc.
- e. Any remainder is considered nonexempt net income.

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CONTINUATION SHEET
 FOR FILING ADMINISTRATIVE REGULATIONS
 WITH THE SECRETARY OF STATE
 (Pursuant to Government Code Section 11380.1)

44-113 NET INCOME (Continued)

44-113

AB
 APSB
 ATD
 OAS

.212

Received in Recurring Lump-Sum Payments

If earned income is received in a lump-sum payment by an AB, APSB, ATD or OAS recipient for services rendered over a period of more than one month, the amount, if any, of such income which is nonexempt is computed as follows:

- a. Determine the average gross income based on the number of months over which the income was earned.
- b. Determine the average nonpersonal and personal work expenses allocable to each month over which the income was earned.
- c. Compute the net nonexempt income for each month (for the assistance program involved as provided in Section .211 above.)
- d. Total the nonexempt income for all the months involved and this is the amount of the lump sum earned income which is nonexempt and for which a grant adjustment must be made pursuant to Section 44-135.

.22 Earnings of Ineligible Spouse

Net income received by an ineligible spouse from his own earnings is computed as follows:

- a. Determine gross income from such earnings.
- b. Deduct from such gross income a flat 25% for income taxes, disability insurance, social security taxes, expenses in securing and retaining employment, transportation, meals, etc.

or

Deduct the actual expenses, in lieu of the flat 25%, if the spouse presents evidence that necessary deductions and expenses exceed the 25%.

- c. Any remainder is considered net income of the spouse.

Effective 7/1/69

CONTINUATION SHEET
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41-313 PROPERTY ITEMS TO BE EXCLUDED IN EVALUATING PROPERTY WHICH MAY BE RETAINED (Continued)

41-313

AB .216 Loans not available for current need because of conditions imposed by the lender. 1
APSB
ATD

OAS .217 A share in an estate which is not distributed and of which the person has no economic use. 1
AFDC

.218 The following burial reserves when the total amount paid for all such items does not exceed \$1,000: 1

- a. Money or securities placed in an irrevocable trust for funeral, cremation or interment expenses with any of the trustees mentioned in Section 7736 of the Business and Professions Code.

An irrevocable trust, within the meaning of this section is a written agreement between the applicant or recipient and the trustee(s) which expressly provides that the trust agreement is irrevocable, and that the trustee obligates himself to apply the money held in trust for the funeral, cremation or interment of the applicant or recipient.

Trustees mentioned in Section 7736 of the Business and Professions Code are limited to:

- (1) A banking institution or trust company legally authorized and empowered by the State of California to act as trustee in the handling of trust funds

or

- (2) Not less than three persons, one of whom may be an employee of the funeral director who is entering into a Preneed Funeral Arrangement as provided in Business and Professions Code Sections 7735 through 7742.

AB b. Life or burial insurance purchased specifically for funeral, cremation or interment expenses which is placed in an irrevocable trust or which has no loan or cash value available to the insured during his lifetime. Included are:
APSB
ATD
OAS
AFDC

- (1) An insurance policy on the life of the applicant payable to a beneficiary who has irrevocably agreed to apply the proceeds from the insurance for funeral, cremation or interment of the insured.

- (2) An insurance policy which is payable on death to the estate of the insured and thus, in effect, becomes a resource earmarked for burial.

- c. Securities issued by a licensed cemetery authority which by their terms are convertible only into payment for funeral, cremation or interment expenses.

In addition to the foregoing, the value of an interment plot, vault or crypt, retained for use of the owner, is also excluded from consideration as personal property and is not subject to the \$1,000 total payment limitation specified above.

Burial reserves excluded from consideration as personal property under this section are considered to be the separate property of the person for whose use they are intended.

Effective 7/1/69

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
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The following regulations are repealed effective 7/1/69:

- 41-313.216 Payments Received by AB, ATD, OAS or AFDC Recipients Under Titles I or II of the Federal Economic Opportunity Act Which are Exempt from Consideration as Income or Resources.
- 41-313.114 Property purchased with funds received under Title I or Title II of the Economic Opportunity Act when such funds were excluded from consideration as income or resources.
- 44-111.32 (including 44-111.321 through 44-111.325)
Payments Under Title I or Title II and Grants Under Title III of the Federal Economic Opportunity Act
- 44-113.212 Recipient Has Earnings in Excess of \$85 a Month Under Title I or Title II of the Economic Opportunity Act and No Other Earnings
- 44-113.213 Recipient Has Both Earnings from the Economic Opportunity Act in Excess of \$85 and Other Earnings
- 44-113.214 APSB Recipient Has Earnings Under Economic Opportunity Act
- 44-113.222 Spouse Has Earnings in Excess of \$85 a Month Under Title I or Title II of the Economic Opportunity Act and No Other Earnings
- 44-113.223 Spouse Has Both Earnings from the Economic Opportunity Act in Excess of \$85 and Other Earnings

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These regulations do not contain any building standards.

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

10-051 REQUIRED SERVICE PROGRAMS - ALL COUNTIES

10-051

Each county welfare director shall make provision in the county plan and budget for all of the following services to be available in accordance with applicable definitions and standards:

.1 Information and Referral Services

To disseminate information about and assist persons in securing needed social, rehabilitative, health, employment and other services. (See Chapter 30-000.)

CHAPTER 30-000 INFORMATION AND REFERRAL SERVICES

30-001 OBJECTIVES

30-001

To disseminate information about and assist persons in securing needed social, rehabilitative, health, employment and other services. (See Section 10-051.1.)

30-003 PURPOSE AND DEFINITION

30-003

Information and Referral Services are those activities undertaken by services staff to inform people about and help them reach the public and private resources established to help alleviate individual and family problems. County welfare departments provide these services as part of the overall responsibility in preventing and reducing dependency and achieving the objectives of public social services.

Information services include the following: 1) disseminating information about community resources to the community generally and to selected groups considered to be especially vulnerable to the need for services, and 2) providing such information directly to individuals and families on request. Referral services provide the help requested in locating and reaching the resources appropriate to the particular needs of the individual or family.

Information and referral services provided directly to individuals and families usually are short-time services. These services, provided in accordance with this chapter, are distinct from similar activities carried out in continuing services cases and from the reception function (Section 10-509).

30-005 PERSONS SERVED

30-005

All persons without regard to the need for public financial assistance are eligible for information and referral services.

Effective 7/1/69

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CONTINUATION SHEET
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(Pursuant to Government Code Section 11380.1)

30-007 COUNTY WELFARE DEPARTMENT RESPONSIBILITIES

30-007

.1 Directory of Resources

The county department shall compile and maintain for staff use a current directory of public and private social, rehabilitative, health, employment and other services in the county. The directory shall be reviewed and updated as often as necessary but at least annually.

.2 Information Services

.21 The county department shall initiate and carry out activities to:

.211 disseminate information to the community about the resources available within the county welfare department, including social services and financial assistance; and

.212 inform selected groups about public and private resources available in the community. Selected groups shall include residents of low-income neighborhoods, recipient organizations, senior citizens and other groups of persons considered likely to benefit directly from information about community resources.

.22 The county department shall provide to individuals, families and groups requesting such services the information and help they need in order to:

.221 know about the availability and function of public and private resources in the community;

.222 assess whether available resources appear to be appropriate to the particular needs of the individual or family;

.223 make it possible for the individual to locate and contact the appropriate resource;

.224 determine whether the individual wishes to have the county

welfare department make a referral on his behalf.

.3 Referral Services

The county department shall make referrals to public and private resources on behalf of individuals or families who request such referral.

.31 To the extent possible, a referral shall be based on a determination

that the resource selected is:

.311 appropriate to the problem for which help is being requested, and

.312 available and accessible to the individual or family.

.32 Referrals shall be made only with the consent of the individuals being referred.

.33 Referrals within the county department shall be made in

accordance with policies and procedures established within the agency.

Effective 7/1/69

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(Pursuant to Government Code Section 11380.1)

30-007 RECORDS (Continued)

30-007

.34 Referrals

outside the county department shall be made in

writing and in accordance with

.341 formal agreements or other arrangements effected between the county welfare department and other resources, or

.342 written policies and procedures established by the resource to which the referral is being made, or

.343 specific arrangements made in individual cases when no general procedures or arrangements for referrals to a particular resource have been established.

30-008 STAFFING

30-008

The county department shall provide for a sufficient number of services personnel to provide assistance with information about services and to make referrals as needed.

When this function is assigned to staff concurrently carrying ongoing caseload(s), there shall be proper adjustment of workload to accommodate the information and referral services functions.

30-009 RECORDS

30-009

.1 Information and Referral Services to Individuals and Families

The county department shall establish a system for maintaining an adequate record of information and referral services provided to individuals and families (Section 10-305).

.11 The record of information services shall show name and address; date of initial inquiry; nature of the information and/or help requested; services action taken; including identification of situations in which the requested information was not available; any other pertinent information; and any request for referral services growing out of the provision of information services.

.12 The record of referral services shall show the information set forth in .11 above; the nature of the problem for which referral was requested; and the services action taken, including identification of resources to which referral was made, situations in which needed resources were not available, etc.

.2 Dissemination of Information

The county welfare department shall maintain adequate records of activities involved in the dissemination of information, including methods used, selected groups to which information was provided and estimated numbers of people reached.

Effective 7/1/69

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44-307 MONEY MANAGEMENT (Continued)

44-307

AFDC | .6 Administration of Protective or Vendor Payments

Protective and vendor payments are for short periods of time as part of a plan for strengthening the family's capacity to manage money. Such payments are not to be used to pay back bills. The reasons for use of such payments shall be documented in the record.

.61 Protective Payments

When protective payments are made, no portion of the grant may be made as a vendor payment or a cash payment to the recipient. However, the substitute payee may provide the recipient with some cash to meet specified needs as part of a plan to improve the recipient's capacity to handle money.

.62 Combined Vendor and Cash Payments

.621 When the vendor payment method is used in a plan to improve the recipient's capacity to handle money, part of the grant may be paid as a cash payment to the recipient if there is supporting evidence to indicate that the family can manage some cash or if some cash is being provided to meet specified needs.

.622 When the vendor payment method is used in applying the WIN or employment sanction as provided in Regulation 30-163, more than 50% of the grant must be paid through vendor payments.

.63 Payment for Budget Items

The amount paid as a vendor or protective payment for any monthly recurring item of basic need shall not exceed the amount specified for the item in the Itemized Cost Schedule unless:

- a. Total need of the family is met, or
- b. The recipient specifically requests in writing that the full cost of the item be paid.

In determining the amount of a protective or vendor payment for any item, the county and the substitute payee shall exercise care to assure that sufficient funds or other resources remain available for the other basic needs of the family.

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.7 Protective Payments

A protective payment is an assistance payment all of which is made to a substitute payee serving as representative of the recipient. Such substitute payee is a person selected to represent the recipient but is not a legally appointed guardian or conservator of the recipient's estate.

Aid payments, generally, must be made directly to the recipient in accord with the basic money payment principle as set forth in Section 44-301. A protective payment may be made only within the limitations prescribed below.

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CONTINUATION SHEET
**FOR FILING ADMINISTRATIVE REGULATIONS
 WITH THE SECRETARY OF STATE**
 (Pursuant to Government Code Section 11380.1)

44-307 MONEY MANAGEMENT (Continued)

44-307

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.71 Selection of Substitute Payee

Selection of the substitute payee should involve consideration of the recipient's or family's preference insofar as practicable. The payee selected may be from the family's friends, relatives, neighbors, or from the clergy, church or community service groups. A staff member from voluntary agencies, such as family service or settlement centers or from public agencies administering health, rehabilitation, housing programs may act as substitute payee, if qualified and willing to serve. Others selected can be home economists, homemakers, housekeeping aides, practical nurses, but are not limited to these. Criteria for selection of the substitute payee shall include:

Interest or concern for the welfare of the recipient.

Ability to help the recipient to make proper use of the assistance payment.

Accessibility to the recipient.

Ability to establish and maintain a positive relationship with the recipient.

Good character and reliability.

.711 Exclusions and Exceptions

Excluded from those who may serve as substitute payee are the landlord, grocer, and other vendors of goods or services dealing directly with the recipient. In AFDC the spouse and adult child living at home are also excluded.

Also excluded from those who may serve as substitute payee is any operator, fiscal agent or other person acting in behalf of any public or private facility responsible for the care of the recipient. However, exception to this exclusion may be made for the recipient who remains eligible while he is in a public institution for the mentally ill or mentally retarded. The director of such institution or his designated representative, e.g., chief social worker in the institution, trust officer, etc., may serve as a substitute payee when no other appropriate person is available.

.712 County Welfare Department Employee as Substitute Payee

When efforts to find ^A qualified person outside the welfare department to be substitute payee are unsuccessful, a county welfare department employee, other than the following, may be selected as substitute payee:

- a. The eligibility worker, or other worker who determines eligibility of the case and authorizes aid;
- b. Such worker's immediate supervisor;
- c. The county welfare director;
- d. A person assigned to a special investigative unit or function;
- e. A person who investigates, helps to develop or is otherwise engaged in activities concerned with the real or personal property, income or other financial resources of aid recipients;
- f. A person whose job includes handling fiscal documents or participating in a fiscal process related to the eligibility or amount of grant paid to the recipient individual or family.

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44-307 MONEY MANAGEMENT (Continued)

44-307

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The county welfare department employee selected to be substitute payee shall have the qualifications, shall be the payee named on the aid warrant, and shall perform the functions of any other substitute payee as defined in regulations 44-307.7, et. seq.

The eligibility worker, or other worker who determines eligibility of the case and authorizes aid, shall keep the designated substitute payee informed of the recipient's needs for which disbursements are necessary.

.72 Role of Substitute Payee

The individual who agrees to act as payee for a recipient assumes a dual responsibility--to the recipient and to the agency. In accepting an appointment, the substitute payee assumes the obligation to see that the assistance payment is spent for the benefit of the recipient and to work cooperatively with the agency in fulfilling this role.

.721 Substitute Payee-Recipient Relationship

The substitute payee shall have the authority to make decisions about the expenditures of the assistance payment. Whenever possible the recipient shall participate in such decisions and, in all instances, have the opportunity to at least discuss expenditures before they are made. Moreover, care shall be taken that the recipient's rights are not abridged.

.722 Substitute Payee-Agency Relationship

The county department and the payee shall share in the responsibility for development of plans to improve the recipient's capacity to handle money, the evaluation of the protective payment service, and progress made by the recipient in overcoming money management problems.

The payee shall be accountable to the department in assuring that the assistance payment has been spent on behalf of the recipient. This need not be a detailed account of expenditures, but may appropriately include a general report to the department of funds spent for the recipient such as a simple account book or a monthly certified statement signed by the substitute payee. (See Fiscal Manual Section 25-310.22.)

The payee's responsibility to the department shall be defined in writing, with a copy to both the payee and recipient. This shall be supplemented by discussion with the payee of the specific responsibilities, the objectives of the plan, the nature and frequency of the reporting expected and the relationship with other resources to be used. A clear understanding of the rights of the recipient and the confidential nature of the agency- recipient-payee relationship is essential.

.73 Appointment of Substitute Payee

The county department shall have the authority to appoint the substitute payee and shall assist him in providing constructive help to the recipient. It shall also have the authority and responsibility to terminate the payee's service when it is no longer necessary or should it be determined he is not acting in the best interests of the recipient. Before any action is undertaken to remove a substitute payee because of unsatisfactory service, careful evaluation should be made of the individual's performance and ability to continue in this role.

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44-307 MONEY MANAGEMENT (Continued)

44-307

.74 Determination and Payment of the Assistance Grant When the Payment is a Protective Payment

Total need of the recipient and the amount of the assistance grant are determined in the manner specified in the Need Determination Chapter and this chapter whether or not ~~the~~ payment is a protective payment. In making protective payments, care shall be taken to leave in the hands of the recipient as much responsibility as is possible and consistent with conditions.

AFDC | .8 Vendor Payments

A vendor payment is that portion of the assistance payment which is made to the person or agency supplying goods or services to the recipient or family.

A vendor payment may be combined with a cash payment to the family.

(See Section 44-307.622 for WIN and employment sanction payments.)

In such cases the recipient shall be clearly informed of the needs covered by the vendor payment and the cash payment, respectively, and his responsibility for meeting the needs covered by the cash payment.

Selection of the vendor should involve consideration of the recipient's or family's preference insofar as practicable.

AFDC | .9 Controls and Records of Protective and Vendor Payments

The number of AFDC recipients paid in the form of protective or vendor payments for mismanagement is limited to 10% of each county's AFDC recipients exclusive of recipients in cases in which sanctions under the Work Incentive Program are applicable.

However, reporting on the total number of recipients and cases in which protective or vendor payments are made will be required. Accordingly, adequate controls and records must be established so as to permit such reporting.

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AFDC | .10 Termination of Protective or Vendor Payments

When recipients in the Adult Programs are considered able to manage funds in their best interest, the protective payment shall be terminated and the unrestricted money payment shall be reinstated.

When the AFDC relative is considered able to manage funds in the best interest of the children, ^{the} protective or vendor payment shall be terminated and the unrestricted money payment shall be reinstated.

In AFDC, protective payments or vendor payments shall not continue beyond twelve months unless guardianship of the caretaker relative has been sought and such action is pending. Such method of payment shall be terminated (a) when a guardian has been appointed, or (b) when action for guardianship is denied by a court.

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
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(Pursuant to Government Code Section 11380.1)

42-340 UNEMPLOYMENT OF A PARENT

42-340

AFDC .1 Deprivation Due to Unemployment

Deprivation of a child due to unemployment of a parent exists when either parent is not working or is working less than 152 hours per month in an industry where full-time work is 173 or more hours per month, or if full-time work is under 173 hours, is working less than 7/8 of the number of hours established by the Department of Employment as full-time work in the industry, and:

.11 Is available for and seeking full-time employment, or

.12 Is accepted for or is participating as a beneficiary in a training project essential to future self-support.

For purposes of this section, a "beneficiary" is one who is receiving services for which the project or program was established, as distinguished from a person who is employed as staff in the project or program. A person being trained for employment by on-the-job training or receiving education connected with the training is considered a beneficiary of the project.

Training projects "essential to future self-support" are:

.121 WIN and ETP projects.

.122 WIN-equivalent employment, training and education projects and programs approved by the county welfare department under provisions of Chapter 30-150, "Employment and Rehabilitation Services", including individual training programs which are accepted as good cause for refusing to accept employment as provided by Section 30-161.7 .

.123 MDTA projects.

.124 Other WIN equivalent projects established as part of an ongoing manpower development program under provisions of the Economic Opportunity Act and Title I, Elementary and Secondary Education Act.

Effective 7/1/69

These regulations do not contain any building standards.

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FACE SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

MAY 29 1969

Office of Administrative Procedure

ENDORSED

APPROVED FOR FILING
(GOV. CODE 11380.1)

MAY 29 1969

Office of Administrative Procedure

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Copy below is hereby certified to be a true
and correct copy of regulations adopted, or
amended, or an order of repeal by:

STATE DEPARTMENT OF SOCIAL WELFARE

(Agency)

Dated: May 27, 1969

By:

John C. Matigan

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

MAY 29 1969

At 12:35 o'clock P.M.

FRANK M. JORDAN, Secretary of State

By *[Signature]*
Assistant Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

Regulations WELFARE PERSONNEL STANDARDS
CLASSIFICATION AND SALARY TABLES 12-815.9 - 12-818.9

TABLE III-A

Statewide Salary Standards for Eligibility Worker and
Supervisor Classes Primarily Used by County Welfare
Departments

WPS	Class Title	Entrance Salary Standard for 1969-70 Fiscal Year
12-818.9	Eligibility Supervisor	\$650
12-816.9	Eligibility Worker II	530
12-815.9	Eligibility Worker I	470

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(Pursuant to Government Code Section 11360.1)

Regulations CLASSIFICATION AND SALARY TABLES 12-820.9 - 12-857.9

TABLE III-B

Statewide Salary Standards for Social Service Worker and Supervisor Classes
Primarily Used by County Welfare Departments

WPS	Class Titles	Entrance Salary Standard for 1969-70 Fiscal Year
12-857.9	Social Service Supervisor V	\$1,130
12-856.9	Social Service Supervisor IV	1,060
12-855.9	Social Service Supervisor III	985
12-853.9	Social Service Supervisor II	940
12-840.9	Social Service Practitioner II	925
12-836.9	Social Service Practitioner I	820
12-850.9	Social Service Supervisor I	805
12-833.9	Social Service Worker III	720
12-830.9	Social Service Worker II	660
12-820.9	Social Service Worker I	630

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Regulations ----- CLASSIFICATION AND SALARY TABLES ----- 12-860.9 - 12-873.9

TABLE III-C

Statewide Salary Standards for County Welfare Director Classes

WPS	Class Titles	Entrance Salary Standard for 1969-70 Fiscal Year
12-873.9	County Welfare Director V	\$1,705

12-858.9	Assistant County Welfare Director	1,330

12-869.9	County Welfare Director IV	1,205

12-866.9	County Welfare Director III	1,010

P-863.9	County Welfare Director II	850

12-860.09	County Welfare Director I	665

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Regulations

WELFARE PERSONNEL STANDARDS
CLASSIFICATION AND SALARY TABLES

TABLE II-B

WPS	CLASS TITLE	WPS	EDUCATION AND EXPERIENCE
12-853 (Promotional Pattern)	Social Service Supervisor II	12-853.31	One year as a Social Service Practitioner II* or two years as a Social Service Practitioner I* in a California County Welfare Department.
(Open Pattern)		12-853.32	<u>Education:</u> Master's degree from a graduate school of social work. (Those candidates who completed all academic requirements for the degree except the thesis prior to July 1, 1956, will be considered as possessing the equivalent of the master's degree); <u>and</u> <u>Experience:</u> Three years of social casework experience.

* Or their equivalent.

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13-071-06 MERIT SYSTEM SALARY PLAN STANDARDS (Continued)

13-071-06

California County Merit System Salary Plan - TABLE I

RATE	EXECUTIVE	SOCIAL SERVICES	MEDICAL	
1603-1951 (39.5)			Medical Consultant	
1564-1903 (39)				
1527-1857 (38.5)				
1490-1812 (38)	Co. Welfare Dir. V			

Range 35 - 37.5 Omitted

1255-1527 (34.5)					
1225-1490 (34)	Co. Welfare Dir. IV				
1196-1454 (33.5)					
1166-1419 (33)					
1139-1385 (32.5)					
1111-1351 (32)	Asst. County Welfare Dir.				
1084-1318 (31.5)					
1058-1286 (31)			Soc. Services Sup. V		
1033-1255 (30.5)					
1008-1225 (30)	Co. Welfare Dir. III	Dis. Soc. Serv. Dir. II		Soc. Services Sup. IV	
983-1196 ✓ (29.5)					
960-1166 (29)			Soc. Services Sup. III		
936-1139 (28.5)					
914-1111 (28)				Soc. Services Sup. II	
891-1084 (27.5)					
870-1058 (27)					
849-1033 (26.5)		Dis. Soc. Serv. Dir. I			
829-1008 (26)	Co. Welfare Dir. II			Soc. Services Pract. II	
810-983 (25.5)					
790-960 (25)					
771-936 (24.5)			Soc. Services Sup. I	Soc. Services Pract. I	
753-914 (24)					
735-891 (23.5)					
717-870 (23)					Medical Care Supvr.
700-849 (22.5)			Soc. Services Worker III		
683-829 (22)					
666-810 (21.5)	Co. Welfare Dir. I				
650-790 (21)					
634-771 (20.5)			Soc. Services Worker II		
619-753 (20)					Medical Care Asst.
605-735 (19.5)			Soc. Services Worker I		

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13-071-06 MERIT SYSTEM SALARY PLAN STANDARDS (Continued)

13-071-06

California County Merit System Salary Plan - TABLE II

ADMINISTRATIVE FISCAL AND ALLIED

RATE	FISCAL	ADMINISTRATIVE SERVICES		PROGRAMMING AND SYSTEMS		ALLIED
1084-1318 (31.5)						
1058-1286 (31)						
1033-1255 (30.5)						
1008-1225 (30)						
983-1196 (29.5)						
960-1166 (29)		Adm. Service Off. II				
936-1139 (28.5)						Soc. Service Plan. Sup.
914-1111 (28)						
891-1084 (27.5)						
870-1058 (27)				Sup. Programmer		
849-1033 (26.5)						
829-1008 (26)						
810-983 (25.5)		Personnel Officer				
790-960 (25)						
771-936 (24.5)	Chief Fiscal Officer			Programmer II	Sys. & Proc. Analyst	Prog. Asst. - Wel.
753-914 (24)						
735-891 (23.5)						Financial Res. Sup.
717-870 (23)		Adm. Service Off. I	Adm. Assistant			
700-849 (22.5)	Accountant II			Programmer I		
683-829 (22)						
666-810 (21.5)						
650-790 (21)						
634-771 (20.5)						
619-753 (20)						
605-735 (19.5)	Accountant I			Programmer Trn.		
590-717 (19)						
576-700 (18.5)						
562-683 (18)						
548-666 (17.5)						
536-650 (17)						
523-634 (16.5)						Supp. Pay Adjuster
510-619 (16)						
498-605 (15.5)						

Range 12 - 15 Omitted

408-498 (11.5)						
399-486 (11)			Student Adm. Asst.			

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13-071-06 MERIT SYSTEM SALARY PLAN STANDARDS (Continued) 13-071-06
California County Merit System Salary Plan - SPECIAL SERVICES - TABLE III

RATE	DAY CARE	COMMUNITY SERVICES		STAFF DEV.	FINAN. ADJ.	ELIG. DETER.
936-1139 (28.5)			Community Rel. Coordinator	Staff Dev. Sup. II		
914-1111 (28)						
891-1084 (27.5)						
870-1058 (27)						
849-1033 (26.5)	Day Care Gr. Dir.			Staff Dev. Sup. I		
829-1008 (26)			Ed. Resources Coord.			
810-983 (25.5)		Voc. Svc. Coord. III				
790-960 (25)						
771-936 (24.5)						
753-914 (24)						
735-891 (23.5)	Day Care Gr. Sup.				Sup. Investigator	
717-870 (23)		Voc. Svc. Coord. II				
700-849 (22.5)						
683-829 (22)						
666-810 (21.5)						
650-790 (21)	Day Care Gr. Worker	Voc. Svc. Coord. I				
634-771 (20.5)			Sup. Vol. Svcs.		Investigator	
619-753 (20)						Eligibility Supv.
605-735 (19.5)						
590-717 (19)			Community Rel. Worker			
576-700 (18.5)						
562-683 (18)						
548-666 (17.5)						
536-650 (17)						
523-634 (16.5)					Property Investigator	
510-619 (16)						
498-605 (15.5)						Eligibility Worker II
486-590 (15)						
474-576 (14.5)						
463-562 (14)						
450-548 (13.5)						Eligibility Worker I
440-536 (13)						
429-523 (12.5)						
419-510 (12)	Day Care Gr. Aide					

Range 11 - 11.5 Omitted

389-474 (10.5)						
380-463 (10)	Day Care Gr. Hskpr.	NDC Parent	Homemaker			

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13-071-06 MERIT SYSTEM SALARY PLAN STANDARDS (Continued)

13-071-06

California County Merit System Salary Plan - TABLE IV

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CLERICAL AND ALLIED					
RATE	GENERAL	TYPING	STENOGRAPHER	BUDGET & ACCT.	ALLIED
735-891 (23.5)					
717-870 (23)					
700-849 (22.5)					
683-829 (22)					
666-810 (21.5)				Chief Fiscal Supervisor	
650-790 (21)					
634-771 (20.5)					
619-753 (20)				Sup. Clerk II - Budget	
605-735 (19.5)					
590-717 (19)	Sup. Clerk II - General				
576-700 (18.5)					
562-683 (18)					Addressing Eq. Op. II
548-666 (17.5)					
536-650 (17)				Sup. Clerk I - B & A	
523-634 (16.5)	Sup. Clerk I - General				Secretary
510-619 (16)					
498-605 (15.5)					
486-590 (15)					
474-576 (14.5)			Clerk III - Stenographer		Storekeeper
463-562 (14)					
450-548 (13.5)				Clerk III - Bud. & Acct.	
440-536 (13)		Clerk III - Typist			
429-523 (12.5)	Clerk III - General				Addressing Eq. Op. I
419-510 (12)					
408-498 (11.5)			Clerk II - Stenographer		
399-486 (11)					
389-474 (10.5)				Clerk II - Bud. & Acct.	
380-463 (10)		Clerk II - Typist			Telephone Operator
371-450 (9.5)	Clerk II - General				Key Punch Operator
362-440 (9)					
353-429 (8.5)			Clerk I - Stenographer		
345-419 (8)					
337-408 (7.5)					
329-399 (7)		Clerk I - Typist			
321-389 (6.5)	Clerk I - General				
313-350 (6)					

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These regulations do not contain any building standards.